

HOUSE No. 4905

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 30, 2008.

The committee of Conference on the disagreeing votes of the two branches with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2520) of the House Bill relative to child abuse and neglect (House, No. 4333, amended), reports the accompanying bill (House, No. 4905).

The Commonwealth of Massachusetts

In the Year Two Thousand and Eight.

AN ACT PROTECTING CHILDREN IN THE CARE OF THE COMMONWEALTH.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to protect forthwith children in the
3 care of the commonwealth, therefore it is hereby declared to be an
4 emergency law, necessary for the immediate preservation of the
5 public safety.

*Be it enacted by the Senate and House of Representatives in General
Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 3 of the General Laws is hereby
2 amended by adding the following section:—

3 Section 69. (a) There shall be a permanent commission on the
4 status of grandparents raising grandchildren which shall consist of
5 11 persons as follows: 3 persons appointed by the secretary of
6 elder affairs, 1 of whom shall be from the secretary's office;
7 1 person appointed by the commissioner of children and families,
8 who shall be from the department; 2 persons appointed by the
9 governor; 1 person appointed by the speaker of the house of repre-
10 sentatives; 1 person appointed by the house minority leader;
11 1 person appointed by the president of the senate; 1 person
12 appointed by the senate minority leader; and 1 person appointed
13 by the attorney general. Members of the commission shall be citi-
14 zens of the commonwealth who have demonstrated a commitment
15 to the rearing of grandchildren by grandparents.

16 (b) Members shall serve terms of 2 years. Vacancies in the
17 membership of the commission shall be filled by the original
18 appointing authority for the balance of the unexpired term.

19 (c) The commission shall elect from among its members a
20 chair, a vice chair, a treasurer and any other officers it deems nec-
21 essary.

22 (d) The members of the commission shall receive no compen-
23 sation for their services, but shall be reimbursed for any usual and
24 customary expenses incurred in the performance of their duties.

25 (e) The commission shall be a resource to the commonwealth
26 on issues affecting grandparents raising grandchildren in the com-
27 monwealth. In furtherance of that responsibility, the commission
28 shall: (1) foster unity among grandparents raising grandchildren
29 communities and organizations in the commonwealth by pro-
30 moting cooperation and sharing of information and encouraging
31 collaboration and joint activities; (2) serve as a liaison between
32 government and private interest groups with regard to matters of
33 unique interest and concern to grandparents raising grandchildren
34 in the commonwealth; (3) assess programs and practices in all
35 state agencies as they affect grandparents raising grandchildren, as
36 the commission deems necessary and appropriate; (4) advise exec-
37 utive and legislative bodies of the potential effect of proposed leg-
38 islation on grandparents raising grandchildren, as the commission
39 deems necessary and appropriate; (5) investigate the merits of the
40 establishment of a state agency dedicated to grandparents issues
41 and determine how such agency would be set up; and (6) identify
42 issues that are faced by relatives, other than parents, who are
43 raising children.

44 (f) The powers of the commission shall include, but not be lim-
45 ited to, the following: (1) to use such voluntary and uncompen-
46 sated services of private individuals, agencies and organizations
47 as may from time to time be offered and required, including provi-
48 sion of meeting places and refreshments; (2) to hold regular,
49 public meetings and to hold fact-finding hearings and other public
50 events as the commission deems necessary; (3) to direct a staff, in
51 this section to be called commission staff, to perform its duties;
52 (4) to establish and maintain such offices as the commission
53 deems necessary, subject to appropriation; (5) to enact by-laws for
54 its own governance but not inconsistent with any general or
55 special law; and (6) to recommend policies and make recommen-
56 dations to agencies and officers of the commonwealth and local
57 subdivisions of government to effectuate the purposes of this com-
58 mission.

59 (g) The commission may accept and solicit funds, including
60 any gifts, donations, grants or bequests, or any federal funds for

61 any of the purposes of this section. Such funds shall be deposited
62 into a separate account with the state treasurer, received by said
63 treasurer on behalf of the commonwealth, and expended by the
64 commission in accordance with law.

65 (h) Not later than December 31 of each year, the commission
66 shall report its findings and activities of the preceding year, as
67 well as any policy recommendations, to the governor, the clerks of
68 the senate and the house and the joint committee on children, fam-
69 ilies and persons with disabilities.

1 SECTION 2. Clause Twenty-sixth of section 7 of chapter 4 of
2 the General Laws, as amended by section 1 of chapter 109 of the
3 acts of 2007, is hereby further amended by adding the following
4 subclause:—

5 (r) Information and records acquired under chapter 18C by the
6 office of the child advocate.

1 SECTION 3. Section 17 of chapter 6 of the General Laws, as
2 appearing in the 2006 Official Edition, is hereby amended by
3 inserting after the word “board”, in line 21, the following
4 words:— , the office of the child advocate.

1 SECTION 4. Section 81 of said chapter 6, as so appearing, is
2 hereby amended by striking out, in line 4, the words “social serv-
3 ices” and inserting in place thereof the following words:— chil-
4 dren and families.

1 SECTION 5. Section 105 of said chapter 6, as so appearing, is
2 hereby amended by striking out, in line 14, the words “social serv-
3 ices” and inserting in place thereof the following words:— chil-
4 dren and families.

1 SECTION 6. Section 116 of said chapter 6, as so appearing, is
2 hereby amended by striking out, in line 44, the figure “116C” and
3 inserting in place thereof the following figure:— 116D.

1 SECTION 7. Said chapter 6 is hereby further amended by
2 inserting after section 116C the following section:—

3 Section 116D. The municipal police training committee shall
4 provide instruction, under section 96B of chapter 41, on the poli-
5 cies and procedures developed under clause (9) of section 18³/₄ of
6 chapter 6A for the identification and immediate protection, care
7 and custody of minors whose parents or guardians are arrested or
8 placed in custody by police officers. The instruction shall be pro-
9 vided in the student officers' course of study, in-service officers
10 training, courses of supervisory training, and dispatcher and com-
11 munication officer training.

1 SECTION 8. Section 172B of said chapter 6, as appearing in
2 the 2006 Official Edition, is hereby amended by striking out, in
3 lines 3 and 8, the words “social services” and inserting in place
4 thereof, in each instance, the following words:— children and
5 families.

1 SECTION 9. Section 178K of said chapter 6, as so appearing,
2 is hereby amended by striking out, in line 112, the words “social
3 services” and inserting in place thereof the following words:—
4 children and families.

1 SECTION 10. Section 189 of said chapter 6, as so appearing,
2 is hereby amended by striking out, in line 5, the words “social
3 services” and inserting in place thereof the following words:—
4 children and families.

1 SECTION 11. Said chapter 6 is hereby further amended by
2 striking out section 202, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 202. There is hereby established a child abuse preven-
5 tion board, in this section and in section 203 referred to as the
6 board, which shall consist of between 25 and 50 members,
7 including:—

8 (a) the following 10 ex-officio members: the secretary of
9 health and human services, the secretary of housing and economic
10 development, the commissioner of early education and care, the
11 commissioner of children and families, the commissioner of
12 mental health, the commissioner of youth services, the commis-
13 sioner of elementary and secondary education, the commissioner

14 of public health, the commissioner of transitional assistance, and
15 the child advocate, or their designees;

16 (b) the following 12 persons from the private sector appointed
17 by the governor from recommendations by the board: 1 parent,
18 1 pediatrician, 1 child psychiatrist, 1 early childhood education
19 specialist, 1 mental health specialist in child abuse, 1 district
20 attorney, 1 teacher, 1 judge, 1 member of the Massachusetts bar,
21 1 criminal justice professional, 1 social worker from a private
22 child welfare agency, and 1 representative of a private charitable
23 foundation; and

24 (c) between 3 and 28 additional members appointed by the
25 governor from recommendations by the board. These individuals
26 shall be appointed based upon their knowledge of and interest in
27 child abuse prevention. The governor shall seek to provide
28 diverse geographical representation, with particular attention
29 given to appointing members who reflect the ethnic and racial
30 diversity of the commonwealth's children, youth and families, and
31 shall assure that each of the commonwealth's 6 human service
32 regions, established by the executive office of health and human
33 services, is represented by 1 of the appointments.

34 Each appointed member of the board shall serve for a term of 3
35 years. A vacancy in an unexpired term shall be filled in the same
36 manner as an original appointment. Any member shall be eligible
37 for reappointment.

38 The governor shall designate 1 of the appointed members of the
39 board as chair. The board may elect other officers and committees
40 as it deems appropriate.

41 The board shall employ an executive director, assistant execu-
42 tive director, secretary and any other staff that it deems necessary
43 in order to carry out its duties and responsibilities. Expenditures
44 for salaries and for other administrative functions shall be
45 approved by the board within the limitations of section 50 of
46 chapter 10.

47 The executive director shall have at least 2 years of direct
48 service experience in child welfare or child clinical work and 2
49 years of experience in human service administration or policy
50 making and shall have a master's degree in a related field.

51 The executive director shall be selected from applicants who
52 have been screened and recommended by a 5-member subcom-

53 mittee of the board, consisting of the chair, the commissioner of
54 children and families, the commissioner of early education and
55 care and 2 appointed members. Final selection of an executive
56 director shall require approval by majority vote of the entire board
57 and approval by the governor. The executive director shall be
58 accountable to the board at large.

59 Any member of the board or the executive director may be
60 removed by the governor for willful misconduct, neglect of duty,
61 inability to exercise the powers of the board or perform the duties
62 of the board, or for improprieties under law.

63 Notwithstanding any general or special law to the contrary, the
64 office of children, youth and family services within the executive
65 office of health and human services shall facilitate the implemen-
66 tation of this section, section 203 and the Children's Trust Fund,
67 established by section 50 of chapter 10, but the office shall not
68 exercise any supervision or control of the board.

1 SECTION 12. The second paragraph of section 203 of said
2 chapter 6, as so appearing, is hereby amended by striking out
3 clause (10) and inserting in place thereof the following clause:—

4 (10) to serve as an advocate, subject to appropriation, and pro-
5 vide an articulate focus for the needs of children and disseminate
6 information to the public regarding children's services and to
7 work in collaboration with the office of the child advocate, the
8 department of early education and care, the department of public
9 health, the department of children and families, the department of
10 elementary and secondary education and any other state agency
11 which serves the needs of children, to promote the development of
12 programs and services for all children, emphasizing programs for
13 children with special needs.

1 SECTION 13. Said chapter 6 is hereby further amended by
2 adding the following section:—

3 Section 215. There shall be an interagency child welfare task
4 force. The secretary of health and human services shall serve as
5 its chair. The member agencies shall include the department of
6 children and families, the department of youth services, the
7 department of transitional assistance, the department of mental
8 health, the department of mental retardation, the department of

9 public health, the department of elementary and secondary educa-
10 tion and the department of early education and care.

11 The task force shall establish interagency goals each year to
12 coordinate and streamline services to children and families and
13 shall examine, among other issues: interagency collaboration to
14 increase medical and mental health consultation; the availability
15 of health and behavioral health services to children and families;
16 collaboration with law enforcement as it relates to children and
17 families involved with the criminal justice system; the availability
18 of supportive day care for children in the care of the department
19 of children and families; domestic violence awareness programs;
20 children awaiting discharge from psychiatric inpatient units; and
21 interagency training initiatives for staff, communities and
22 providers.

1 SECTION 14. Section 16 of chapter 6A of the General Laws,
2 as appearing in the 2006 Official Edition, is hereby amended by
3 striking out, in line 26, the words “social services” and inserting
4 in place thereof the following words:— children and families.

1 SECTION 15. Said section 16 of said chapter 6A, as so
2 appearing, is hereby further amended by adding the following
3 paragraph:—

4 The secretary, in consultation with the interagency child wel-
5 fare task force established by section 215 of chapter 6, the com-
6 missioner of children and families and the child advocate, shall
7 assess the commonwealth’s long-term, system-wide needs for the
8 prevention and detection of child abuse and neglect and shall
9 coordinate and integrate responses across the agencies within the
10 executive office. The secretary shall identify existing and poten-
11 tial resources, structural strengths and weaknesses, overlapping or
12 conflicting efforts and opportunities for coordinated responses to
13 child welfare issues. The secretary shall facilitate information
14 sharing and policy synchronization among federal, state and local
15 entities.

1 SECTION 16. Section 18¾ of said chapter 6A, as so
2 appearing, is hereby amended by adding the following clause:—

3 (9) to develop statewide policies and procedures, including a
4 uniform protocol, for state police and municipal police officers to
5 report to the secretary on the identification of and immediate pro-
6 tection, care and custody of minors whose parents or guardians
7 are arrested or placed in custody by police officers. The policies
8 and procedures shall be developed in consultation with the depart-
9 ment of children and families, the department of state police,
10 municipal police departments and the Massachusetts Chiefs of
11 Police Association Incorporated. The secretary shall periodically
12 analyze this information and report the analysis to the department
13 of children and families and appropriate state or municipal police
14 departments.

1 SECTION 17. Section 17 of chapter 11 of the General Laws,
2 as so appearing, is hereby amended by striking out, in lines 5 and
3 16, the words “social services” and inserting in place thereof, in
4 each instance, the following words:— children and families.

1 SECTION 18. Section 20D of chapter 12 of the General Laws,
2 as so appearing, is hereby amended by adding the following para-
3 graph:—

4 The executive director shall annually report on the status of
5 child abuse and neglect cases that have been referred for criminal
6 prosecution, including the number prosecuted, the results of those
7 prosecutions, the principal reason for decisions not to prosecute,
8 and what resources would have assisted in those investigations
9 and prosecutions. The report shall be filed with the clerks of the
10 senate and the house, the senate and the house committees on
11 ways and means, the joint committee on children, families and
12 persons with disabilities, the joint committee on the judiciary, the
13 child advocate, and the governor.

1 SECTION 19. Section 32 of said chapter 12, as so appearing,
2 is hereby amended by striking out, in lines 7 and 8, the words
3 “social services” and inserting in place thereof the following
4 words:— children and families.

1 SECTION 20. Section 1G of chapter 15 of the General Laws,
2 as so appearing, is hereby amended by striking out, in line 54, the

3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 21. Section 19 of chapter 15A of the General Laws,
2 as so appearing, is hereby amended by inserting after the word
3 “tuition”, in line 1, the words:— and fee.

1 SECTION 22. Said section 19 of said chapter 15A, as so
2 appearing, is hereby further amended by striking out the eighth
3 paragraph and inserting in place thereof the following 2 para-
4 graphs:—

5 The program shall provide full tuition and fee waivers for any
6 state-supported course offered by an institution at a public college
7 or university, excluding graduate courses and courses in the MD
8 program at the University of Massachusetts Medical Center, and
9 including courses toward an undergraduate degree program, cer-
10 tificate program, short-term certificate program and noncredit
11 courses at each community college, state college and undergrad-
12 uate campus of the University of Massachusetts for students who
13 are not over the age of 24 and who, while in the custody of the
14 department of children and families, were adopted by an eligible
15 Massachusetts resident or commonwealth employee as determined
16 by the department of children and families in conjunction with the
17 human resources division. The commonwealth, not the institu-
18 tions of public higher education, shall bear the cost of these
19 waivers after all reimbursements from the federal government
20 have been exhausted.

21 The program shall provide tuition and fee waivers for any
22 person who, upon reaching the age of 18, is in the custody of the
23 department of children and families or is the subject of a legal
24 guardianship sponsored by the department. No such person shall
25 be required to remain in the care of the department beyond the age
26 of 18 to qualify for these waivers. Persons who return to the care
27 of the department after the age of 18 may qualify for these
28 waivers. The commonwealth, not the institutions of public higher
29 education, shall bear the cost of these waivers after all reimburse-
30 ments from the federal government have been exhausted.

1 SECTION 23. Section 14 of chapter 17 of the General Laws,
2 as so appearing, is hereby amended by striking out, in line 7, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 24. Section 28 of chapter 18 of the General Laws,
2 as so appearing, is hereby amended by striking out, in line 16, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 25. Section 1 of chapter 18B of the General Laws,
2 as so appearing, is hereby amended by striking out, in line 1, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 26. Said chapter 18B is hereby further amended by
2 striking out sections 2 and 3, as so appearing, and inserting in
3 place thereof the following 2 sections:—

4 Section 2. The department shall provide and administer a com-
5 prehensive child welfare program for children and families,
6 including the following services:—

7 (1) casework or counseling, including services to families,
8 foster families or individuals;

9 (2) protective services for children;

10 (3) legal services for families, children or individuals who are
11 clients of the department;

12 (4) adoption services;

13 (5) information and referral services;

14 (6) foster family care for children and specialized foster family
15 care for children with special needs;

16 (7) residential care for children with special needs who are not
17 suited for foster family care or specialized foster family care;

18 (8) informal education and group activities;

19 (9) training in parenthood and home management for parents,
20 foster parents and prospective parents;

21 (10) family services intended to prevent the need for foster care
22 and services to children in foster care;

23 (11) temporary residential programs providing counseling and
24 supportive assistance for families in transition and their children

25 who, because of domestic violence, homelessness, or other situa-
26 tions, require temporary shelter and assistance;

27 (12) camping services;

28 (13) information and referral services;

29 (14) services for families and individuals in emergency and
30 transitional housing;

31 (15) comprehensive youth development services;

32 (16) access to and coordination of medical, dental and mental
33 health services for children in foster care whose families are
34 receiving services from other state agencies; and

35 (17) child care placements for children whose families have an
36 open case with the department.

37 Section 3. (a) The department shall provide comprehensive,
38 area-based child welfare services. These services shall be orga-
39 nized by regions and areas consistent with those established by the
40 secretary of health and human services under section 16 of
41 chapter 6A.

42 (b) In order that the area-based services be adapted, organized
43 and coordinated to meet the needs of certain population groups,
44 the department shall provide programs for:

45 (1) families and children which shall, among other objectives,
46 serve to assist, strengthen and encourage family life for the care
47 and protection of children, assist and encourage the use by any
48 family of all available resources to this end, and provide substitute
49 care of children only when preventive services have failed and the
50 family itself, or the resources needed and provided to the family,
51 cannot insure the integrity of the family and the necessary care
52 and protection to guarantee the rights of any child to sound health
53 and normal physical, mental, spiritual and moral development;
54 and

55 (2) other population groups which require special adaptation of
56 the services provided because of special needs.

57 (c) The department shall:

58 (1) formulate the policies, procedures and rules necessary for
59 the full and efficient implementation of programs authorized by
60 the laws of the commonwealth and federal laws in the area of
61 services for children and families;

62 (2) administer the services, funds and personnel necessary for
63 these programs throughout the commonwealth;

64 (3) establish and enforce high standards of service and strive to
65 elevate such standards;

66 (4) provide the range of services on a fair, just and equitable
67 basis to all people in need of such services;

68 (5) collaborate with other departments of the commonwealth
69 and with voluntary or private agencies or organizations to assure
70 efficient and high-quality social and educational services for per-
71 sons who are unable, for social or economic reasons, to provide
72 such services for themselves;

73 (6) study the social and economic problems in the common-
74 wealth and make recommendations to the appropriate branches
75 and agencies of government, including the office of the child
76 advocate, for broadening and improving the scope and quality of
77 child welfare services; and

78 (7) recruit and retain foster care and pre-adoption parents suffi-
79 cient for the needs of children serviced by the department,
80 including expanded efforts through education of the public.

1 SECTION 27. Section 6 of said chapter 18B, as so appearing,
2 is hereby amended by striking out, in line 2, the words “social
3 services” and inserting in place thereof the following words:—
4 children and families.

1 SECTION 28. Said section 6 of said chapter 18B, as so
2 appearing, is hereby further amended by striking out the third sen-
3 tence and inserting in place thereof the following sentence:— The
4 position of commissioner shall be classified under section 45 of
5 chapter 30 and the salary shall be determined under section 46C
6 of said chapter 30 and the commissioner shall devote full time to
7 the duties of the office.

1 SECTION 29. Section 6A of said chapter 18B, as so appearing,
2 is hereby amended by striking out, in line 1, the words “of social
3 services”.

1 SECTION 30. Said section 6A of said chapter 18B, as so
2 appearing, is hereby further amended by striking out, in line 42,
3 the word “thirty A” and inserting in place thereof the following
4 figure:— 30A.

1 SECTION 31. Said section 6A of said chapter 18B, as so
2 appearing, is hereby further amended by striking out the last para-
3 graph and inserting in place thereof the following paragraph:—

4 The director of the unit shall submit an annual report to the
5 governor, the child advocate and the joint committee on children,
6 families and persons with disabilities on the performance of the
7 unit. The report shall contain: an analysis and evaluation of the
8 foster care review system and recommendations, if any, for its
9 improvement; the total number of children in the care of the
10 department or its agents during the previous fiscal year; the
11 number of children who were in its care for more than 6 months;
12 the number of reviews conducted; the number of children returned
13 to their parents or guardian; the number of children for whom
14 guardians, other than the department or its agent, were appointed;
15 the number of children released for adoption; and the number of
16 children adopted.

1 SECTION 32. Said chapter 18B is hereby further amended by
2 striking out section 7, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 7. (a) The commissioner shall establish reasonable
5 caseload rates and shall report these caseload rates to the general
6 court in the budget estimates of the department.

7 (b) The commissioner shall develop and implement a manage-
8 ment information system that shall contain fiscal and personnel
9 data, client data, and program data necessary for the ongoing
10 administration or effective service delivery. The information
11 system shall include, but not be limited to, a service plan for each
12 client, with provisions for periodic review thereof. The commis-
13 sioner shall adopt such rules and regulations as are deemed neces-
14 sary to ensure the confidentiality of client data collected by the
15 department.

16 (c) The commissioner shall develop and implement a compre-
17 hensive monitoring and evaluation system for all services under
18 the control of the department and shall collect the necessary pro-
19 gram and fiscal data annually.

20 (d) The commissioner shall conduct an annual needs assess-
21 ment for all services under the control of the department.

22 (e) The commissioner shall report to the general court and to
23 the child advocate: (i) annually on all services, including program
24 and client data and unit costs, and on residential care pursuant to
25 section 23; (ii) semi-annually on high-risk children, racial dispro-
26 portionality and disparity, and service procurement pursuant to
27 section 24; and (iii) quarterly on multiple 51A reports pursuant to
28 section 25.

29 (f) The commissioner shall develop and implement a plan for
30 the orientation and training of area-based and other staff. The plan
31 shall require all employees be issued photo identification to be
32 used in the performance of their duties, including for display upon
33 introduction.

34 (g) The commissioner shall coordinate the overall service plan-
35 ning of the department with planning under Title XX of the Social
36 Security Act, 42 U.S.C. 1397 et seq.

37 (h) The commissioner shall be authorized to apply for and
38 accept on behalf of the commonwealth federal, local or private
39 grants, bequests, gifts or contributions.

40 (i) The commissioner, subject to chapter 30A, shall adopt rules
41 and regulations necessary to carry out this chapter and
42 chapter 119.

43 (j) The commissioner shall include in the budget estimates of
44 the department funds for the development and implementation of
45 the aforementioned management information system, monitoring
46 and evaluation system, annual needs assessment, and staff training
47 plan.

48 (k) The commissioner shall, subject to appropriation, enter into
49 contracts with nonprofit organizations to provide services for fam-
50 ilies and individuals in emergency and transitional housing; pro-
51 vided, that the department, in entering into such contracts, shall
52 provide \$3 for each dollar of donated funds which have been com-
53 mitted to such nonprofit organizations from any non-state source.
54 For the purposes of this subsection, a non-state source may
55 include private donations or monies from city, town or county
56 governments but shall not include funds from other state agencies.

57 (l) Prior to undertaking any activity or implementing any
58 policy which would affect expenditures for medical assistance
59 under chapter 118E including, but not limited to, identifying indi-
60 viduals eligible for such assistance under said chapter 118E, the

61 commissioner shall assure that such activity or policy is reviewed
62 by the director of Medicaid.

63 (m) Not more than 3 per cent of the department's annual
64 budget shall be appropriated in a separate account and expended
65 for the purposes of subsections (b), (c) and (d).

66 (n) Upon receipt of a completed review of multiple 51A
67 reports required under subsection (r) of section 51B of
68 chapter 119, the commissioner shall immediately notify: (i) the
69 district attorney for the county in which the child resides and for
70 the county in which the event giving rise to a report occurred,
71 (ii) local law enforcement authorities in the city or town in which
72 the child resides and in the city or town in which the event giving
73 rise to a report occurred, and (iii) the office of the child advocate.

1 SECTION 33. Section 8 of said chapter 18B, as so appearing,
2 is hereby amended by striking out the second sentence and
3 inserting in place thereof the following sentence:— The position
4 of deputy commissioner shall be classified under section 45 of
5 chapter 30 and the salary shall be determined under section 46C
6 of said chapter 30.

1 SECTION 34. The second paragraph of section 9 of said
2 chapter 18B, as so appearing, is hereby amended by striking out
3 the last sentence and inserting in place thereof the following 2
4 sentences:— The position of assistant commissioner shall be
5 classified under section 45 of chapter 30 and the salary shall be
6 determined under section 46C of said chapter 30. Assistant com-
7 missioners shall devote full time to the duties of the office.

1 SECTION 35. Section 12 of said chapter 18B, as so appearing,
2 is hereby amended by striking out the first paragraph and inserting
3 in place thereof the following paragraph:—

4 The commissioner, with the advice of the area board, shall
5 appoint an area director in each area, and, subject to appropria-
6 tion, such other employees as the commissioner may deem neces-
7 sary.

1 SECTION 36. Said section 12 of said chapter 18B, as so
2 appearing, is hereby further amended by striking out the fifth and

3 sixth paragraphs and inserting in place thereof the following 3
4 paragraphs:—

5 The area director shall also prepare and submit to the commis-
6 sioner the proposed annual budget for the area for programs to be
7 supported at the area level. The commissioner shall make such
8 revisions as shall be necessary and shall include said area budgets
9 as part of the departmental budget requests submitted annually
10 under sections 27 and 28 of chapter 29. A copy of the area budget
11 as included with said departmental requests shall be forwarded by
12 the commissioner to each area director for the information of the
13 area board.

14 The area director, subject to the overall supervision of the com-
15 missioner, shall supervise all employees within the area and shall
16 be responsible for the administration of the area budget and the
17 implementation of the area plan.

18 A social worker shall have a bachelor's degree at the time of
19 appointment. A supervisory social worker shall have a master's
20 degree in social work or a related field at the time of appointment.

1 SECTION 37. Said chapter 18B is hereby further amended by
2 striking out section 13, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 13. In each area established under section 3, there shall
5 be a children and families area board, in this chapter called the
6 area board, which shall be an agency of the commonwealth and
7 shall serve in the department. The area board shall consist of 23
8 members, who shall be appointed by the commissioner for terms
9 of 3 years.

10 No member shall be an employee of the department. Two-
11 thirds of the members shall be persons other than employees of
12 the commonwealth or its political subdivisions.

13 The commissioner shall seek to provide proper geographical
14 representation in the membership of the board. Two-thirds of the
15 members shall live within the area for which they are appointed,
16 and the remaining members shall either live or work in the area.
17 At least 1 member from each city and, if practicable, each town in
18 the area shall be included.

19 At least 6 members shall be consumers of services provided by
20 the department. Not more than 2 members shall be selected from

21 nominations submitted by the president of the collective bar-
22 gaining unit representing the social workers who work for the
23 department in the area. Not more than 2 members shall be selected
24 from private providers within the area. One member at the time
25 of appointment shall be a member of the community mental health
26 area board established under section 14 of chapter 19, 1 member
27 at the time of appointment shall be a person knowledgeable in the
28 field of mental retardation, 2 members at the time of their appoint-
29 ment shall be members of the local councils for children estab-
30 lished under section 7 of chapter 28A, 2 members at the time of
31 their appointment shall be members of the financial or business
32 professions with special fiscal or budgetary skills, and 2 members
33 shall at the time of their appointment be members of the commu-
34 nity service area boards established under section 7 of chapter 18.

35 Upon the expiration of the term of any member, his successor
36 shall be appointed, in like manner, for a term of 3 years. In the
37 event of a vacancy, the commissioner may, in like manner, appoint
38 a member who shall serve for the remainder of the unexpired
39 term. Members shall serve without compensation and shall be
40 sworn to the faithful performance of their duties. The area board
41 shall suggest for consideration by the commissioner 1 or more
42 names for each such expiring term or vacancy. No member shall
43 be appointed for more than 3 consecutive 3-year terms.

1 SECTION 38. Section 14 of said chapter 18B, as so appearing,
2 is hereby amended by striking out, in lines 7, 10 and 15, the word
3 “thirteen” and inserting in place thereof, in each instance, the
4 following figure:— 13.

1 SECTION 39. Section 15 of said chapter 18B, as so appearing,
2 is hereby amended by inserting after the word “services”, in
3 lines 5 and 13, the following words:— for children and families.

1 SECTION 40. Section 16 of said chapter 18B, as so appearing,
2 is hereby amended by inserting after the word “services”, in
3 line 5, the following words:— for children and families.

1 SECTION 41. Said section 16 of said chapter 18B, as so
2 appearing, is hereby further amended by adding the following
3 paragraph:—

4 The council shall work to facilitate the medical evaluation
5 process and recruitment of physicians, dentists and mental health
6 professionals to medically screen and evaluate children newly
7 admitted to foster care. To accomplish this goal the council shall
8 consult with pediatricians, family practice physicians or a nurse
9 practitioners, dentists, psychiatrists, psychologists or licensed
10 independent clinical social worker therapists, the family and pro-
11 bate court, the juvenile court, and the Massachusetts medical
12 assistance program. The council shall report annually on or before
13 December 31 to the commissioner any recommended changes to
14 the department's regulations or policies that would facilitate the
15 medical evaluation process and recruitment of necessary per-
16 sonnel.

1 SECTION 42. Said chapter 18B is hereby further amended by
2 striking out section 17, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 17. The department may establish centers for children
5 and families in any facility owned or rented by the commonwealth
6 other than state schools, hospitals or prisons, in any area if space
7 is available or suitable for the purpose and shall, if feasible, locate
8 these centers in a facility utilized by an agency of the common-
9 wealth providing human services. If suitable space is not avail-
10 able, the department may acquire adequate space for such centers
11 by renting, leasing or other available means. Each area shall be
12 responsible for the delivery of services within its area. The cen-
13 ters shall be of sufficient number and so located as to be readily
14 accessible to the people throughout the commonwealth.

1 SECTION 43. Said chapter 18B is hereby further amended by
2 striking out section 20, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 20. Notwithstanding section 22 of chapter 29 or any
5 other law, funds made available by appropriation or otherwise for
6 enabling the department to carry out the provisions of this chapter
7 may be advanced to the department in such sums and subject to
8 such rules and regulations as the comptroller may determine. The
9 department shall make a monthly report to the comptroller of the
10 amount of funds disbursed by the department subsequent to the

11 previous monthly report and shall certify to the comptroller that
12 such disbursements are substantiated by detailed records and
13 vouchers retained in the custody of the department.

1 SECTION 44. Section 22 of said chapter 18B, as so appearing,
2 is hereby amended by striking out, in lines 11 and 12 and 41 and
3 46, the words “public welfare” and inserting in place thereof, in
4 each instance, the following words:— transitional assistance.

1 SECTION 45. Said chapter 18B is hereby further amended by
2 adding the following 3 sections:—

3 Section 23. The commissioner shall report annually on Sep-
4 tember 1 on the number of children placed in residential care by
5 region and the cost of care and treatment provided to those chil-
6 dren. The information reported for each region shall include, but
7 not be limited to: (i) the age and gender of the children; (ii) the
8 reasons for placement; (iii) the intensity, frequency and type of
9 services provided to each child; (iv) the length of each placement;
10 and (v) the disposition of the child’s case at the end of the residen-
11 tial placement, including whether the child was returned to the
12 child’s family or placed in other care within the community. The
13 report shall also include the cost of residential placement by
14 region and any other information necessary for the evaluation of
15 the operation of state-funded residential homes. The report shall
16 be filed with the clerks of the senate and the house, the senate and
17 house committees on ways and means, the joint committee on
18 children, families and persons with disabilities, the office of the
19 child advocate, and the governor.

20 Section 24. The commissioner shall report semi-annually on:
21 (i) the status of high-risk children and the department’s efforts to
22 identify such children and address their needs for child protection;
23 (ii) the status of racial disproportionality and disparity of the
24 department’s client population and its efforts, including the use of
25 culturally competent staffing, resources and practices, to reduce
26 overrepresentation of children of color in the child welfare
27 system; (iii) the status of the department’s procurement of serv-
28 ices; and (iv) the status of children who, due to their age, are tran-
29 sitioning out of the child welfare system. The reports shall be
30 filed with the clerks of the senate and the house, the senate and

31 house committees on ways and means, the joint committee on
32 children, families and persons with disabilities, the office of the
33 child advocate, and the governor.

34 Section 25. In addition to the immediate notification required
35 under subsection (n) of section 7, the commissioner shall report
36 quarterly on the total number of cases of multiple 51A reports
37 reviewed by the department under subsection (r) of section 51B of
38 chapter 119, the types of those cases, and their resolutions. The
39 report shall be filed with the governor, the clerks of the senate and
40 the house, the joint committee on children, families and persons
41 with disabilities, and the child advocate.

1 SECTION 46. The General Laws are hereby amended by
2 inserting after chapter 18B the following chapter:—

3 **CHAPTER 18C.**
4 **OFFICE OF THE CHILD ADVOCATE.**

5 Section 1. As used in this chapter, the following words shall
6 have the following meanings, unless the context clearly requires
7 otherwise:—

8 “Advisory board”, the child advocate advisory board estab-
9 lished by section 4.

10 “Child advocate”, the child advocate appointed under section 3.

11 “Critical incident”, (a) a fatality, near fatality, or serious bodily
12 injury of a child who is in the custody of or receiving services
13 from the executive office of health and human services or 1 of its
14 constituent agencies; or (b) circumstances which result in a rea-
15 sonable belief that the executive office of health and human serv-
16 ices or 1 of its constituent agencies failed in its duty to protect a
17 child and, as a result, the child was at imminent risk of, or suf-
18 fered, serious bodily injury.

19 “Department”, the department of children and families.

20 “Executive agency”, a state agency within the office of the gov-
21 ernor that includes the executive office of education, the executive
22 office of public safety and security, executive office of health and
23 human services, the Massachusetts interagency council on home-
24 lessness and housing established by Executive Order No. 492 and
25 the executive office of housing and economic development.

26 “Office”, the office of the child advocate.

27 “Serious bodily injury”, bodily injury which involves a sub-
28 stantial risk of death, extreme physical pain, protracted and
29 obvious disfigurement or protracted loss or impairment of the
30 function of a bodily member, organ or mental faculty.

31 Section 2. There shall be an office of the child advocate which
32 shall be independent of any supervision or control by any execu-
33 tive agency. The office shall:

34 (a) ensure that children involved with an executive agency, in
35 particular, children served by the child welfare or juvenile justice
36 systems, receive timely, safe and effective services;

37 (b) ensure that children placed in the care of the common-
38 wealth or treated under the supervision of an executive agency in
39 any public or private facility shall receive humane and dignified
40 treatment at all times, with full respect for the child’s personal
41 dignity, right to privacy, and right to a free and appropriate educa-
42 tion in accordance with state and federal law;

43 (c) examine, on a system-wide basis, the care and services that
44 executive agencies provide children; and

45 (d) advise the public and those at the highest levels of state
46 government about how the commonwealth may improve its serv-
47 ices to and for children and their families.

48 Section 3. The office shall be under the direction of the child
49 advocate, who shall devote full time to the duties of this office.
50 The child advocate shall serve at the pleasure of the governor and
51 report directly to the governor. The child advocate may, subject to
52 appropriation, appoint such other personnel as he deems necessary
53 for the efficient management of the office. The governor shall
54 appoint the child advocate to a term coterminous with that of the
55 governor, except that the child advocate shall continue to serve
56 following the end of a governor’s term until a successor is
57 appointed.

58 The governor shall appoint the child advocate from among 3
59 nominees submitted by a nominating committee to recommend a
60 child advocate. The nominating committee shall consist of: the
61 secretary of health and human services; the commissioner of chil-
62 dren and families; the commissioner of youth services; commis-
63 sioner of mental health; the executive director of the child abuse
64 prevention board; a pediatrician experienced in treating child

65 abuse designated by the Massachusetts chapter of the American
66 Academy of Pediatrics; a child psychiatrist designated by the
67 Massachusetts Psychiatric Society; a child psychologist desig-
68 nated by the Massachusetts Psychological Association; a represen-
69 tative from the Massachusetts Association of Mental Health; a
70 representative of an organization which advocates on behalf of
71 children at risk of abuse designated by the Children's League of
72 Massachusetts; a lawyer experienced in care and protection cases
73 designated by the Massachusetts Bar Association; a social worker
74 designated by the Massachusetts Chapter of the National Associa-
75 tion of Social Workers; a person with experience in the juvenile
76 justice system designated by the chief justice of the juvenile court
77 department; and a representative of organized labor to be desig-
78 nated by the president of the collective bargaining unit that repre-
79 sents the social workers of the department.

80 A vacancy occurring in the position of child advocate shall be
81 filled in the same manner, except that if the child advocate ceases
82 to serve for any reason, the governor shall appoint an acting child
83 advocate who shall serve until the appointment of a successor.

84 Section 4. There shall be a 25-member child advocate advisory
85 board. The advisory board shall consist of the child advocate,
86 who shall serve as chair, the secretary of health and human serv-
87 ices, the secretary of public safety and security, the secretary of
88 education, the executive director of the criminal history systems
89 board, the undersecretary of criminal justice from the executive
90 office of public safety and security, the commissioner of early
91 education and care, the commissioner of elementary and sec-
92 ondary education, the commissioner of mental health, the com-
93 missioner of mental retardation, the commissioner of public
94 health, the commissioner of children and families, the commis-
95 sioner of transitional assistance, the commissioner of youth serv-
96 ices, the deputy commissioner of the child support enforcement
97 division within the department of revenue, the president of the
98 Massachusetts District Attorneys Association, the commissioner
99 of probation, the chief counsel of the committee for public
100 counsel services, the chief justice of the superior court depart-
101 ment, the chief justice of the juvenile court department, the chief
102 justice of the probate and family court department, the executive

103 director of the child abuse prevention board, and 3 persons
104 appointed by the governor.

105 Section 5. (a) An executive agency shall inform the child
106 advocate when a critical incident has occurred. The child advo-
107 cate may conduct an investigation of the critical incident or may
108 review an executive agency's investigation of a critical incident.
109 When the child advocate conducts his own investigation, he shall
110 determine: (1) the factual circumstances surrounding the critical
111 incident; (2) whether an agency's activities or services provided to
112 a child and his family were adequate and appropriate and in accor-
113 dance with agency policies and state and federal law; and
114 (3) whether the agency's policies, regulations, training or delivery
115 of services or state law can be improved.

116 (b) Before investigating any critical incident, the child advo-
117 cate shall determine whether an executive or law enforcement
118 agency is already conducting an investigation. If a law enforce-
119 ment agency is conducting an investigation, the child advocate
120 shall, when appropriate, defer to that agency or may conduct his
121 own investigation. The child advocate shall coordinate efforts to
122 minimize the impact on the child, family or employees of the
123 agency involved, unless he determines such coordination would
124 impede his investigation. If an executive agency is conducting an
125 investigation, the child advocate may defer to that investigation or
126 may conduct his own investigation. The child advocate may coor-
127 dinate efforts to minimize the impact on the child, family or
128 employees of the agency involved. In every instance, the child
129 advocate shall notify the head of the relevant agency of his
130 involvement before beginning any investigation.

131 (c) The child advocate shall receive complaints relative to the
132 provision of services to children by an executive agency and shall
133 review and monitor the complaints that reasonably cause him to
134 believe that a child may be in need of assistance and to ensure that
135 the complaint is resolved. If the complaint is not resolved by the
136 relevant executive agency within a reasonable period of time in
137 light of the circumstances, if the resolution is determined to be
138 unsatisfactory to the child advocate, or if the complaint reason-
139 ably causes the child advocate to believe that a child may be in
140 need of immediate assistance, he may conduct an investigation of
141 the complaint.

142 (d) The child advocate shall receive complaints from children
143 in the care of the commonwealth and assist such children in
144 resolving problems and concerns associated with their placement,
145 plans for life-long adult connections and independent living, and
146 decisions regarding custody of persons aged between 18 and 22,
147 including ensuring that relevant executive agencies have been
148 alerted to the complaint and facilitating intra-agency cooperation,
149 if appropriate. For the purposes of this section, the office shall
150 develop procedures to ensure appropriate responses to the con-
151 cerns of youth in foster care 24 hours a day, 7 days a week.

152 (e) The child advocate shall periodically review, report and
153 make recommendations, as appropriate, with respect to system-
154 wide improvements that may increase the effectiveness of the care
155 and services provided to children and their families and suggested
156 legislative and regulatory changes including, but not limited to, a
157 review of the programs and procedures established by the depart-
158 ment to provide and administer a comprehensive child welfare
159 program under section 2 of chapter 18B.

160 (f) At the request of the governor, the child advocate shall per-
161 form oversight functions to ensure that agencies serving children
162 are fulfilling their obligations in the most effective and efficient
163 manner.

164 (g) The child advocate shall undertake activities designed to
165 educate the public regarding the services of the office and of the
166 mission of the executive agencies in providing services to children
167 and families.

168 (h) The child advocate shall be authorized to apply for, and
169 accept on behalf of the commonwealth, federal, local or private
170 grants, bequests, gifts or contributions for the purpose of carrying
171 out the functions of the office.

172 Section 6. The child advocate or his designee shall have access
173 at any and all reasonable times to any facility, residence, program,
174 or portion thereof, that is operated, licensed or funded by an exec-
175 utive agency, and to all relevant records, reports, materials and
176 employees in order to better understand the needs of children in
177 the custody of the commonwealth or who are receiving services
178 from an executive agency. The child advocate shall be bound by
179 any limitations on the use or release of information imposed by

180 law upon the party furnishing such information, except as pro-
181 vided in subsection (e) of section 12.

182 Section 7. The child advocate may request the attendance and
183 testimony of witnesses and the production of documents, papers,
184 books, records, reports, reviews, recommendations, correspon-
185 dence, data and other evidence that the child advocate reasonably
186 believes is relevant. If a request is denied, the child advocate
187 shall have the power to issue a subpoena for witnesses and the
188 production of documents and any other data and evidence that the
189 child advocate reasonably believes is relevant.

190 If any person to whom a subpoena is issued fails to appear or,
191 having appeared, refuses to give testimony or fails to produce the
192 evidence required, the child advocate may apply to the Suffolk
193 county superior court to issue an order to compel the testimony
194 and production of documents of any such witnesses. A failure to
195 obey the order may be punished as contempt.

196 The district attorney may seek injunctive relief in Suffolk
197 county superior court to defer a subpoena issued by the child
198 advocate.

199 Section 8. No discriminatory or retaliatory action shall be
200 taken against any person who communicates with or provides
201 information to the office. Any person who knowingly or willfully
202 discriminates or retaliates against such a person shall be liable to
203 such person for treble damages, costs and attorney's fees.

204 Section 9. The child advocate shall develop internal procedures
205 appropriate for the effective performance of his duties.

206 The child advocate may, subject to chapter 30A, adopt, amend
207 or repeal such rules and regulations as are deemed necessary to
208 carry out the functions of the office.

209 Section 10. The child advocate shall report annually to the
210 governor, the president of the senate, the speaker of the house, the
211 senate and the house committees on ways and means, and the
212 chairs of the joint committee on children, families and persons
213 with disabilities on the activities of the office, including an
214 analysis of activities undertaken to implement subsection (d) of
215 section 5, recommendations for changes in agency procedures
216 which would enable the commonwealth to better provide services
217 to and for children and their families and priorities for implemen-

218 tation of those changes to services. The report shall be made
219 public.

220 Section 11. (a) The child advocate, in consultation with the
221 advisory board and the interagency child welfare task force estab-
222 lished by section 215 of chapter 6, shall formulate a comprehen-
223 sive plan, with periodic benchmarks and cost estimates, to
224 recommend a coordinated, system-wide response to child abuse
225 and neglect, including related mental health, substance abuse and
226 domestic violence issues. The comprehensive plan shall look for-
227 ward 5 years or more, shall be updated annually to plan for the
228 ensuing 5-year period, shall assess previous efforts and, if appro-
229 priate, shall include legislative and regulatory recommendations,
230 such as changes to the issues itemized in the comprehensive plan.

231 (b) The child advocate may seek advice broadly from individ-
232 uals with expertise in child welfare in formulating the plan and
233 consult with, social workers of the department, pediatricians, child
234 psychiatrists, early childhood education and adolescent behavior
235 specialists, parents of children who have received services from
236 the commonwealth, and persons who, as children, were clients of
237 the department.

238 (c) The comprehensive plan shall be filed annually with the
239 governor, the clerks of the senate and the house, the senate and
240 house committees on ways and means, and the joint committee on
241 children, families and persons with disabilities.

242 (d) The comprehensive plan shall examine the status of and
243 address the following issues:—

244 (1) racial disproportionality and disparity of the department's
245 client population, including the effectiveness of reforms designed
246 to address overrepresentation of children of color within that pop-
247 ulation;

248 (2) the needs of families whose children are truant, runaways,
249 or whose conduct interferes with their parent's ability to ade-
250 quately care for and protect them. The plan shall propose a
251 system of community-based programs to assist these children and
252 families by providing services on a continuum of increasing inten-
253 sity with the goal of keeping children out of the juvenile justice
254 and child protection systems. The plan shall examine: (i) the
255 existing complex system of services available from multiple
256 public and private agencies; (ii) the differences in service delivery

257 throughout the state; (iii) the need for immediate response to sta-
258 bilize a family in crisis and to connect the family to services in
259 their own community; and (iv) the collection and analysis of
260 information needed to evaluate and identify gaps in service to
261 such children and families throughout the commonwealth;

262 (3) mandated reporting, including: (i) the quality and quantity
263 of training provided to mandated reporters; (ii) standards for
264 training based on best practices for recognizing and reporting sus-
265 pected child abuse and neglect; and (iii) the use of the following
266 as forums for training mandated reporters: online programs,
267 training offered by state agencies, and existing programs of pro-
268 fessional training such as those required for initial licensure or
269 certification and relicensure or recertification, continuing educa-
270 tion programs or in-service training;

271 (4) screening of child abuse and neglect reports, including:
272 (i) centralizing the reporting and screening processes; (ii) a single,
273 24-hour, toll-free telephone number for all oral reports, a single
274 fax number or mailing address for all written reports and internet-
275 based filing of reports; (iii) multiple reports filed about a partic-
276 ular child or family; (iv) a determination of when and under what
277 conditions reports may have been inappropriately screened out
278 and the impact of those decisions; and (v) direct, electronic access
279 to the National Crime Information Center for criminal history
280 records and warrants;

281 (5) child protection teams, which are multidisciplinary teams
282 that provide specialized medical examinations of children who
283 present signs of abuse or neglect and that include pediatricians or
284 pediatric nurses and psychologists or social workers who have
285 been trained to recognize child abuse and neglect, including
286 statewide expansion to regional hospitals, all hospitals with emer-
287 gency rooms and all pediatric care hospitals;

288 (6) the shortage of experts in the commonwealth who specialize
289 in the prevention, diagnosis and treatment of abused or neglected
290 children, with recommendations to train pediatricians and pedi-
291 atric nurse practitioners to become clinical experts who are
292 knowledgeable and competent in all areas of child abuse and
293 neglect, including: the identification, assessment, and treatment of
294 physical abuse, sexual abuse, neglect, emotional abuse and
295 neglect and factitious illness by proxy; multi-disciplinary training
296 with law enforcement, state and local agencies and child advocacy

297 centers; collection of forensic evidence; court testimony; research;
298 and child advocacy;

299 (7) family engagement model or other nationally recognized
300 models to strengthen child welfare practice, including: (i) the
301 evaluation of the model and its use of differential response and
302 risk assessment tools to determine how effectively findings of
303 abuse or neglect are made; (ii) the cost to implement the model
304 state-wide; (iii) the combination of departmental functions such
305 that an individual social worker investigates, assesses and pro-
306 vides ongoing case management, particularly as that combination
307 impacts incidents requiring specialized investigatory skills;
308 (iv) delays in the fair hearing process; and (v) time limits allowed
309 for screenings, investigations and assessments;

310 (8) social worker caseloads and teaming, including: (i) the
311 effects of teaming on caseloads and of caseloads on teaming;
312 (ii) the cost of state-wide adoption of various standard caseload
313 ratios; (iii) a potential multi-year plan to reduce caseloads; and
314 (iv) duties handled by social workers that may be more affordably
315 and efficiently handled by other staff;

316 (9) law enforcement involvement, including: (i) how effectively
317 the department and law enforcement collaborate and whether there
318 is room for improvement or coordination of resources; (ii) proto-
319 cols for mandatory reporting of certain abuse or neglect to local
320 law enforcement and district attorneys and (iii) potential align-
321 ment with efforts to prevent or prosecute domestic violence and
322 with the procedures used in the investigation of sexual abuse, such
323 as the sexual abuse intervention network and the sexual assault
324 nurse examiners program;

325 (10) schools of social work, including: (i) how effectively
326 social work and related degree programs teach child welfare prac-
327 tice; (ii) greater cooperation between the department and higher
328 education to study child welfare issues; (iii) the capacity of public
329 and private schools to meet increased demand for social work and
330 related degrees, including concentrations in child welfare; and
331 (iv) a timeline for inclusion of child welfare concentrations in
332 bachelor's and master's degree programs at public institutions of
333 higher education;

334 (11) social worker qualifications, including the infrastructure
335 needed to support a more qualified workforce, such as full imple-
336 mentation of proposed programs at the child welfare institute and

337 the transferability of certificate coursework to degree-granting
338 programs;

339 (12) confidentiality, including research of legal and ethical con-
340 siderations to be addressed if information relative to cases of child
341 abuse and neglect is shared between the office and other executive
342 agencies;

343 (13) health service needs of the department's client population
344 and health consultation needs of the department, including: (i) the
345 need for physical and behavioral health services and consultation,
346 including those related to mental health and substance abuse treat-
347 ment; (ii) coordination and consultation among executive agen-
348 cies; (iii) proposed best-practice models for more effective client
349 behavioral health services; and (iv) oversight and peer review of
350 the safety and effectiveness of the use of psychotropic drugs by
351 children involved with executive agencies;

352 (14) critiques of the department, including: (i) potential align-
353 ment of a internal or external audit unit with the department's con-
354 tinuous quality improvement and quality service review
355 initiatives; and (ii) dissemination of the findings of these critiques
356 to policy makers within and outside of the department;

357 (15) criminal offender record information reviews, including:
358 (i) the use of these reviews in out-of-home, kinship and foster
359 placements and (ii) areas for improved efficiency and equality;

360 (16) permanency planning for those who, due to their age, are
361 transitioning out of the child welfare system to assist with health
362 care, housing, higher education, long-term interpersonal connec-
363 tions and other needs for independent living;

364 (17) examine the frequency of transitions in the treatment plans
365 and living placements of foster children;

366 (18) provide an analysis of the administrative and cost require-
367 ments and recommendations to create a personal needs and indi-
368 vidual development account for each child in foster care over the
369 age of 14;

370 (19) review the process of adopting children in foster care and
371 recommend streamlined procedures to reduce the time required to
372 complete the adoption process;

373 (20) the impact on child welfare efforts of the early and peri-
374 odic screening, diagnostic and treatment services provision and
375 reasonable promptness provision of the federal Medicaid law, 42

376 U.S.C. 1396a(a)(10)(A),-(a)(43), 1396d(r)(5),-(a)(4)(B), and
377 1396a(a)(8)(2005), respectively;

378 (21) oversight provided by MassHealth and its contractors of
379 medical and behavioral health expenditures made on behalf of the
380 department's client population;

381 (22) federal funding available for child welfare purposes and
382 factors affecting that funding, including: (i) the Title IV-E satura-
383 tion rate for foster children, (ii) the determination of AFDC status
384 for the non-TANF population, and (iii) expedited judicial determi-
385 nations made within the required time frames;

386 (23) an estimate of the expenditure necessary to implement an
387 annual adjustment to the daily rate for maintenance payments to
388 foster care, adoptive and guardianship families, to provide care so
389 as to meet the rate recommended periodically by the United States
390 Department of Agriculture; and

391 (24) the effectiveness of the state's child abuse laws as they
392 relate to defining, prohibiting, preventing and reporting cases of
393 emotional abuse of children, including recommendations to
394 increase public and professional education and awareness of the
395 symptoms and impact of emotional abuse.

396 Section 12. The following provisions apply to information and
397 records obtained, reviewed or maintained by the child advocate:

398 (a) Notwithstanding chapter 66A, section 70 of chapter 111,
399 section 11 of chapter 111B, section 18 of chapter 111E, sec-
400 tions 51E and 51F of chapter 119, chapter 112, chapter 123, or
401 sections 20B, 20J, or 20K of chapter 233 to the contrary, the dis-
402 closure of information to the office of the child advocate pursuant
403 to this chapter shall not be prohibited. Any information consid-
404 ered to be confidential under the aforementioned sections shall be
405 submitted for the child advocate's review upon the determination
406 of the child advocate that the review of said information is neces-
407 sary. The child advocate shall ensure that no information sub-
408 mitted for his review is disseminated to parties outside the office.
409 Under no circumstances shall the child advocate or any employee
410 of the office violate the confidentiality provisions set forth in the
411 aforementioned statutes, except as authorized under sub-
412 section (e).

413 (b) Any and all information and records acquired by the child
414 advocate in the exercise of the office's purpose and duties under
415 this chapter shall be confidential and exempt from disclosure

416 under chapter 66 and clause Twenty-sixth of section 7 of
417 chapter 4.

418 (c) Information, documents and records of the child advocate
419 and his office shall not be subject to subpoena, discovery or intro-
420 duction into evidence in any civil or criminal proceeding; pro-
421 vided, however, that information, documents and records
422 otherwise available from any other source shall not be immune
423 from subpoena, discovery or introduction into evidence through
424 these sources solely because they were presented during the child
425 advocate's investigation or maintained by the office of the child
426 advocate.

427 (d) Statistical compilations of data which do not contain any
428 information that would permit the identification of any person
429 may be disclosed to the public.

430 (e) The restrictions of this section shall not preclude the child
431 advocate from sharing with the governor, the attorney general, a
432 district attorney, a secretary, an agency commissioner or other
433 agency personnel, or the chairs of the joint committee on children,
434 families and persons with disabilities, the report of, or the results
435 of, a critical incident investigation involving that agency. Any
436 executive or legislative branch employees who receive or read
437 such a document shall be bound by the confidentiality require-
438 ments of this section.

439 Section 13. No person employed by or contracted by or volun-
440 teering for the office shall be subject to suit directly, derivatively
441 or by way of contribution or indemnification for any civil dam-
442 ages under the laws of the commonwealth resulting from any act
443 or omission performed during or in connection with the discharge
444 of his duties within the scope of his employment or appointment,
445 unless such act or failure to act was committed with gross negli-
446 gence, maliciously, or in bad faith.

1 SECTION 47. Subsection (a) of section 16 of chapter 19A of
2 the General Laws, as appearing in the 2006 Official Edition, is
3 hereby amended by striking out the second sentence and inserting
4 in place thereof the following sentence:— In planning this
5 system, the department shall require input from other protective
6 service agencies and other agencies currently involved in the pro-

7 vision of social, health, legal, nutritional and other services to the
8 elderly, as well as elderly advocacy organizations.

1 SECTION 48. Section 7 of chapter 22A of the General Laws,
2 as so appearing, is hereby amended by striking out, in line 2, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 49. Section 68 of chapter 22C of the General Laws,
2 as so appearing, is hereby amended by striking out the second sen-
3 tence and inserting in place thereof the following 2 sentences:—
4 These special state police officers shall serve for 1 year, subject to
5 removal by the colonel, and they shall have and exercise
6 throughout the commonwealth the same powers as state police
7 officers to serve warrants and other criminal processes for any
8 criminal offense resulting from either a fraudulent claim for pay-
9 ment or service under any assistance program administered by the
10 department of transitional assistance or any program administered
11 by the department of children and families or a receipt of payment
12 or services by a person entitled thereto or for any violation of
13 chapter 273 relative to the support of spouses and children for
14 whom the department of transitional assistance is entitled to
15 receive payment, or in whose behalf said department is giving aid.
16 They shall not have the authority to arrest without a warrant.

1 SECTION 50. Section 10 of chapter 28A of the General Laws
2 is hereby amended by striking out, in line 49, as so appearing, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 51. Said section 10 of said chapter 28A is hereby
2 further amended by striking out paragraph (f), as so appearing,
3 and inserting in place thereof the following paragraph:—
4 (f) The office shall promptly investigate and evaluate any
5 notice transmitted to the office by the department of children and
6 families under subsection (l) of section 51B of chapter 119. The
7 investigation and evaluation shall determine whether the facility
8 being operated by a person subject to licensure under this section
9 is being operated in compliance with this chapter and with the

10 rules and regulations established under paragraph (c). If, during
11 the course of the investigation or a licensing study conducted by
12 the office, any agent or employee of the office receives or dis-
13 covers information concerning the occurrence of child abuse or
14 neglect, that agent or that employee shall make a report to the
15 department of children and families under section 51A of said
16 chapter 119.

1 SECTION 52. Section 9B of chapter 30 of the General Laws,
2 as so appearing, is hereby amended by striking out, in line 20, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 53. Section 48 of chapter 31 of the General Laws,
2 as so appearing, is hereby amended by striking out, in line 93, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 54. Chapter 38 of the General Laws is hereby
2 amended by striking out section 2A, as so appearing, and inserting
3 in place thereof the following section:—

4 Section 2A. (a) As used in this section, the following words
5 shall have the following meanings:—

6 “Child”, a person under the age of 18.

7 “Fatality”, any death of a child.

8 “Local team”, a local child fatality review team established pur-
9 suant to subsection (c).

10 “Near fatality”, an act that, as certified by a physician, places a
11 child in serious or critical condition.

12 “State team”, the state fatality review team established by sub-
13 section (b).

14 “Team”, the state or a local team.

15 (b) There shall be a state child fatality review team within the
16 office of the chief medical examiner. Notwithstanding
17 section 172 of chapter 6, members of the state team shall be sub-
18 ject to criminal offender record checks to be conducted by the
19 colonel of the state police, on behalf of the chief medical exam-
20 iner. All members shall serve without compensation for their
21 duties associated with membership on the state team.

22 The state team shall consist of at least the following mem-
23 bers:— the chief medical examiner, who shall chair the state team;
24 the attorney general or a designee; the commissioner of children
25 and families or a designee; the commissioner of public health or a
26 designee; the commissioner of elementary and secondary educa-
27 tion or a designee; a representative selected by the Massachusetts
28 District Attorneys Association; the colonel of the state police or a
29 designee; the commissioner of mental health or a designee; the
30 commissioner of mental retardation or a designee; the director of
31 the Massachusetts center for sudden infant death syndrome,
32 located at the Boston Medical Center, or a designee; the commis-
33 sioner of youth services or a designee; a representative selected by
34 the Massachusetts chapter of the American Academy of Pediatrics
35 who has experience in diagnosing or treating child abuse and
36 neglect; a representative selected by the Massachusetts Hospital
37 Association; the chief justice of the juvenile division of the trial
38 court or a designee; the president of the Massachusetts Chiefs of
39 Police Association Incorporated or a designee; the child advocate
40 appointed under section 3 of chapter 18C or a designee; and any
41 other person, selected by the chair or by majority vote of the
42 members of the state team, with expertise or information relevant
43 to an individual case.

44 The purpose of the state team shall be to decrease the incidence
45 of preventable child fatalities and near fatalities by:(i) developing
46 an understanding of the causes and incidence of child fatalities
47 and near fatalities; and (ii) advising the governor, the general
48 court and the public by recommending changes in law, policy and
49 practice that will prevent child fatalities and near fatalities.

50 To achieve its purpose, the state team shall:

51 (i) develop model investigative and data collection protocols
52 for local teams;

53 (ii) provide information to local teams and law enforcement
54 agencies for the purpose of the protection of children;

55 (iii) provide training and written materials to local teams to
56 assist them in carrying out their duties;

57 (iv) review reports from local teams;

58 (v) study the incidence and causes of child fatalities and near
59 fatalities in the commonwealth;

60 (vi) analyze community, public and private agency involvement
61 with the children and their families prior to and subsequent to
62 fatalities or near fatalities;

63 (vii) develop a protocol for the collection of data regarding
64 fatalities and near fatalities and provide training to local teams on
65 the protocol;

66 (viii) develop and implement rules and procedures necessary
67 for its own operation; and

68 (ix) provide the governor, the general court and the public with
69 annual written reports, subject to confidentiality restrictions,
70 which shall include, but not be limited to, the state team's findings
71 and recommendations.

72 (c) There shall be a local child fatality review team in each of
73 the 11 districts headed by a district attorney. Notwithstanding
74 section 172 of chapter 6, members of a local team shall be subject
75 to criminal offender record checks to be conducted by the district
76 attorney. All members shall serve without compensation for their
77 duties associated with membership on a local team.

78 Each local team shall be comprised of at least the following
79 members: the district attorney of the county, who shall chair the
80 local team; the chief medical examiner or a designee; the commis-
81 sioner of children and families or a designee; a pediatrician with
82 experience in diagnosing or treating child abuse and neglect,
83 appointed by the state team; a local police officer from the munic-
84 ipality where the child fatality or near fatality occurred, appointed
85 by the chief of police of that municipality; a state law enforcement
86 officer, appointed by the colonel of state police; the chief justice
87 of the juvenile division of the trial court or a designee; the director
88 of the Massachusetts center for sudden infant death syndrome,
89 located at the Boston Medical Center, or a designee; the commis-
90 sioner of public health or a designee; and any other person with
91 expertise or information relevant to an individual case who may
92 attend meetings, on an ad hoc basis, by agreement of the perma-
93 nent members of each local team. Those other persons may
94 include, but shall not be limited to, local or state law enforcement
95 officers, hospital representatives, medical specialists or subspe-
96 cialists, or designees of the commissioners of mental retardation,
97 mental health, youth services and education.

98 The purpose of each local team shall be to decrease the inci-
99 dence of preventable child fatalities and near fatalities by:
100 (i) coordinating the collection of information on fatalities and near
101 fatalities; (ii) promoting cooperation and coordination between
102 agencies responding to fatalities and near fatalities and in pro-
103 viding services to family members; (iii) developing an under-
104 standing of the causes and incidence of child fatalities and near
105 fatalities in the county; and (iv) advising the state team on
106 changes in law, policy or practice which may affect child fatalities
107 and near fatalities.

108 To achieve its purpose, each local team shall:

109 (i) review, establish and implement model protocols from the
110 state team;

111 (ii) review, subject to the approval of the local district attorney,
112 all individual fatalities and near fatalities in accordance with the
113 established protocol;

114 (iii) meet periodically, but at least 4 times per calendar year, to
115 review the status of fatality and near fatality cases and recommend
116 methods of improving coordination of services between member
117 agencies;

118 (iv) collect, maintain and provide confidential data as required
119 by the state team; and

120 (v) provide law enforcement or other agencies with information
121 for the purposes of the protection of children.

122 At the request of the local district attorney, the local team shall
123 be immediately provided with:

124 (i) information and records relevant to the cause of the fatality
125 or near fatality maintained by providers of medical or other care,
126 treatment or services, including dental and mental health care;

127 (ii) information and records relevant to the cause of the fatality
128 or near fatality maintained by any state, county or local govern-
129 ment agency including, but not limited to, birth certificates, med-
130 ical examiner investigative data, parole and probation information
131 records, and law enforcement data post-disposition, except that
132 certain law enforcement records may be exempted by the local
133 district attorney;

134 (iii) information and records of any provider of social services,
135 including the state department of children and families, relevant to
136 the child or the child's family, that the local team deems relevant
137 to the review; and

138 (iv) demographic information relevant to the child and the
139 child's immediate family, including but not limited to, address,
140 age, race, gender, and economic status. The district attorney may
141 enforce this paragraph by seeking an order of the superior court.

142 (d) Any privilege or restriction on disclosure established pur-
143 suant to chapter 66A, section 70 of chapter 111, section 11 of
144 chapter 111B, section 18 of 111E, chapters 112, 123, or sec-
145 tions 20B, 20J or 20K of chapter 233 or any other law relating to
146 confidential communications shall not prohibit the disclosure of
147 this information to the chair of the state team or a local team. Any
148 information considered to be confidential pursuant to the afore-
149 mentioned statutes may be submitted for a team's review upon the
150 determination of that team's chair that the review of this informa-
151 tion is necessary. The chair shall ensure that no information sub-
152 mitted for a team's review is disseminated to parties outside the
153 team. Under no circumstances shall any member of a team violate
154 the confidentiality provisions set forth in the aforementioned
155 statutes.

156 Except as necessary to carry out a team's purpose and duties,
157 members of a team and persons attending a team meeting may not
158 disclose any information relating to the team's business.

159 Team meetings shall be closed to the public. Information and
160 records acquired by the state team or by a local team pursuant to
161 this chapter shall be confidential, exempt from disclosure under
162 chapter 66, and may only be disclosed as necessary to carry out a
163 team's duties and purposes.

164 Statistical compilations of data which do not contain any infor-
165 mation that would permit the identification of any person may be
166 disclosed to the public.

167 (e) Members of a team, persons attending a team meeting and
168 persons who present information to a team may not be questioned
169 in any civil or criminal proceeding regarding information pre-
170 sented in or opinions formed as a result of a team meeting.

171 (f) Information, documents and records of the state team or of
172 a local team shall not be subject to subpoena, discovery or intro-
173 duction into evidence in any civil or criminal proceeding; pro-
174 vided, however, that information, documents and records
175 otherwise available from any other source shall not be immune
176 from subpoena, discovery or introduction into evidence through

177 these sources solely because they were presented during proceed-
178 ings of a team or are maintained by a team.

179 (g) Nothing in this section shall limit the powers and duties of
180 the chief medical examiner or district attorneys.

1 SECTION 55. Section 3 of said chapter 38, as so appearing, is
2 hereby amended by striking out, in line 43, the words “social serv-
3 ices” and inserting in place thereof the following words:— chil-
4 dren and families.

1 SECTION 56. Section 1A of chapter 46 of the General Laws,
2 as so appearing, is hereby amended by striking out, in line 8, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 57. Section 6 of said chapter 46, as so appearing, is
2 hereby amended by striking out, in lines 4 and 6, the words
3 “social services” and inserting in place thereof, in each instance,
4 the following words:— children and families.

1 SECTION 58. Subsection (g) of section 13 of said chapter 46,
2 as so appearing, is hereby amended by adding the following sen-
3 tence:— If a person who was in the custody of the department of
4 children and families is adopted and the adopting parents sur-
5 render the person back to the department, that person shall have
6 the right to change the birth certificate back to that person’s bio-
7 logical name.

1 SECTION 59. Said section 13 of said chapter 46 is hereby fur-
2 ther amended by striking out, in lines 193 and 194, and in
3 line 200, as so appearing, the words “social services” and
4 inserting in place thereof, in each instance, the following
5 words:— children and families.

1 SECTION 60. Section 21 of chapter 62C of the General Laws
2 is hereby amended by striking out, in line 34, as so appearing, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 61. Section 10 of chapter 66 of the General Laws,
2 as so appearing, is hereby amended by striking out, in lines 64 and
3 65, the words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 62. Section 37L of chapter 71 of the General Laws,
2 as so appearing, is hereby amended by striking out the first para-
3 graph and inserting in place thereof the following paragraph:—
4 The school committee of each city, town or regional school dis-
5 trict shall inform teachers, administrators, and other professional
6 staff of reporting requirements for child abuse and neglect under
7 section 51A of chapter 119 and the reporting requirements for
8 fires under section 2A of chapter 148.

1 SECTION 63. Said section 37L of said chapter 71, as so
2 appearing, is hereby further amended by striking out, in lines 12
3 and 15, the words “social services” and inserting in place thereof,
4 in each instance, the following words:— children and families.

1 SECTION 64. Section 1 of chapter 71B of the General Laws,
2 as so appearing, is hereby amended by striking out, in line 55, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 65. Section 2 of said chapter 71B, as so appearing,
2 is hereby amended by striking out, in line 2, the words “social
3 services” and inserting in place thereof the following words:—
4 children and families.

1 SECTION 66. Section 3 of said chapter 71B, as so appearing,
2 is hereby amended by striking out, in line 178, the words “social
3 services” and inserting in place thereof the following words:—
4 children and families.

1 SECTION 67. Section 5A of said chapter 71B, as so appearing,
2 is hereby amended by striking out, in line 50, the words “social
3 services” and inserting in place thereof the following words:—
4 children and families.

1 SECTION 68. Section 10 of said chapter 71B, as so appearing,
2 is hereby amended by striking out, in lines 37 and 45 , the words
3 “social services” and inserting in place thereof, in each instance,
4 the following words:— children and families.

1 SECTION 69. Section 12B of said chapter 71B, as so
2 appearing, is hereby amended by striking out, in line 12, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 70. Section 7 of chapter 74 of the General Laws, as
2 so appearing, is hereby amended by striking out, in line 5, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 71. Section 7A of said chapter 74, as so appearing,
2 is hereby amended by striking out, in line 4, the words “social
3 services” and inserting in place thereof the following words:—
4 children and families.

1 SECTION 72. Section 8A of said chapter 74, as so appearing,
2 is hereby amended by striking out, in lines 6 and 7, the words
3 “social services” and inserting in place thereof the following
4 words:— children and families.

1 SECTION 73. Section 15A of chapter 75 of the General Laws,
2 as so appearing, is hereby amended by striking out, in line 10, the
3 words “social services, the office of child care services” and
4 inserting in place thereof the following words:— children and
5 families, the department of early education and care.

1 SECTION 74. Section 7 of chapter 76 of the General Laws, as
2 so appearing, is hereby amended by striking out, in lines 4 and 15,
3 the words “social services” and inserting in place thereof, in each
4 instance, the following words:— children and families.

1 SECTION 75. Section 4J of chapter 111 of the General Laws,
2 as so appearing, is hereby amended by striking out, in lines 18 and
3 19, the words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 76. Said chapter 111 is hereby further amended by
2 striking out section 24K, inserted by section 2 of chapter 356 of
3 the acts of 2006, and inserting in place thereof the following
4 section:—

5 Section 24L. (a) The department of public health shall collab-
6 orate with the department of children and families, the child abuse
7 prevention board and staff of the Children's Trust Fund, the office
8 of the child advocate, other state agencies serving families and
9 children, health care providers, law enforcement personnel,
10 human service providers, and child advocacy organizations to
11 develop and implement a comprehensive, state-wide shaken baby
12 syndrome prevention initiative to reduce death and disability
13 resulting from shaken baby syndrome. The initiative shall be sub-
14 ject to appropriation and shall include, but not be limited to:

15 (1) the institution of a program to educate parents or guardians
16 concerning shaken baby syndrome prevention, provided that par-
17 ents or guardians of a newborn shall, by the time of discharge
18 from a hospital or birth center, receive education and materials to
19 be developed by the department of public health describing the
20 dangers of shaking infants and children and the risks associated
21 with shaken baby syndrome. Education and materials shall
22 include, but not be limited to, information concerning the medical
23 and physical effects of shaking infants and children, appropriate
24 methods of handling infants and children, methods of preventing
25 and reducing the risk of shaking infants and children, and the
26 availability of community-based programs and other resources to
27 prevent shaken baby syndrome;

28 (2) the institution of education and training programs con-
29 cerning the prevention and diagnosis of shaken baby syndrome for
30 parents, caregivers, health care providers, and other professionals
31 who serve or have contact with children and families, and the
32 department of public health shall develop necessary educational
33 materials;

34 (3) the development of a program to support and serve victims
35 and families affected by shaken baby syndrome; and

36 (4) the creation of a surveillance and data collection program to
37 measure the incidence of shaken baby syndrome and traumatic
38 brain injury in infants and children.

39 (b) No caregivers, health providers, or other professionals
40 serving children and families who provide education or report
41 information related to the department's surveillance process shall
42 be liable in any civil or criminal action, if the actions were
43 required by this section and made in good faith.

44 (c) The department of public health may adopt regulations to
45 implement this section. The department shall consult with a state-
46 wide advisory group of interested parties before implementation
47 of the initiative and the regulations adopted under this section.
48 The department shall, in consultation with the department of chil-
49 dren and families, the office of the child advocate, and the child
50 abuse prevention board and staff of the Children's Trust Fund,
51 conduct an annual evaluation of the shaken baby syndrome pre-
52 vention initiative and shall report annually to the governor con-
53 cerning the activities undertaken as part of the initiative and the
54 results of the annual evaluation. A copy of the report shall be
55 filed with the clerks of the senate and the house not later than Feb-
56 ruary 1 of each year.

1 SECTION 77. Section 220 of said chapter 111, as appearing
2 the 2006 Official Edition, is hereby amended by striking out, in
3 line 23, the words "social services" and inserting in place thereof
4 the following words:— children and families.

1 SECTION 78. The first paragraph of section 13A of
2 chapter 111E of the General Laws, as so appearing, is hereby
3 amended by striking out the first sentence and inserting in place
4 thereof the following sentence:— The division shall, in accor-
5 dance with this section, accept for referral children determined to
6 be in need of services under section 39G of chapter 119 and
7 referred to the division by the department of children and families,
8 hereinafter referred to as the department, or by the juvenile court.

1 SECTION 79. Section 3 of chapter 111G of the General Laws,
2 as so appearing, is hereby amended by striking out, in lines 5 and
3 6, the words "public welfare, the department of social services,
4 and the office for children" and inserting in place thereof the
5 following words:— transitional assistance, the department of
6 children and families and the department of early education and
7 care.

1 SECTION 80. Section 4B of chapter 118 of the General Laws,
2 as so appearing, is hereby amended by striking out, in line 5, the
3 words “social services” and inserting in place thereof, in each
4 instance, the following words:— children and families.

1 SECTION 81. Section 22 of chapter 118G of the General
2 Laws, as so appearing, is hereby amended by striking out, in lines
3 9 and 10, the words “social services” and inserting in place
4 thereof the following words:— children and families.

1 SECTION 82. Chapter 119 of the General Laws is hereby
2 amended by striking out section 1, as so appearing, and inserting
3 in place thereof the following section:—

4 Section 1. It is hereby declared to be the policy of this com-
5 monwealth to direct its efforts, first, to the strengthening and
6 encouragement of family life for the care and protection of chil-
7 dren; to assist and encourage the use by any family of all available
8 resources to this end; and to provide substitute care of children
9 only when the family itself or the resources available to the family
10 are unable to provide the necessary care and protection to insure
11 the rights of any child to sound health and normal physical,
12 mental, spiritual and moral development.

13 The purpose of this chapter is to insure that the children of the
14 commonwealth are protected against the harmful effects resulting
15 from the absence, inability, inadequacy or destructive behavior of
16 parents or parent substitutes, and to assure good substitute
17 parental care in the event of the absence, temporary or permanent
18 inability or unfitness of parents to provide care and protection for
19 their children.

20 The health and safety of the child shall be of paramount con-
21 cern and shall include the long-term well-being of the child.

22 In all matters and decisions by the department of children and
23 families, the policy of the department, as applied to children in its
24 care and protection or children who receive its services, shall be
25 to define best interests of the child as that which shall include, but
26 not be limited to, considerations of precipitating factors and pre-
27 vious conditions leading to any decisions made in proceedings
28 related to the past, current and future status of the child, the cur-
29 rent state of the factors and conditions together with an assess-

30 ment of the likelihood of their amelioration or elimination; the
31 child's fitness, readiness, abilities and developmental levels; the
32 particulars of the service plan designed to meet the needs of the
33 child within the child's current placement whether with the child's
34 family or in a substitute care placement and whether such service
35 plan is used by the department or presented to the courts with
36 written documentation; and the effectiveness, suitability and ade-
37 quacy of the services provided and of placement decisions,
38 including the progress of the child or children therein. The
39 department's considerations of appropriate services and placement
40 decisions shall be made in a timely manner in order to facilitate
41 permanency planning for the child.

42 In all department proceedings that affect the child's past, cur-
43 rent and future placements and status, when determining the best
44 interests of the child, there shall be a presumption of competency
45 that a child who has attained the age of 12 is able to offer state-
46 ments on the child's own behalf and shall be provided with timely
47 opportunities and access to offer such statements, which shall be
48 considered by the department if the child is capable and willing.
49 In all matters relative to the care and protection of a child, the
50 ability, fitness and capacity of the child shall be considered in all
51 department proceedings.

52 For purposes of this section, the words "all department pro-
53 ceedings" shall include departmental hearings and proceedings but
54 shall not include a court proceeding even when the department is
55 a party.

1 SECTION 83. Said chapter 119 is hereby further amended by
2 striking out sections 21 to 23, inclusive, as so appearing, and
3 inserting in place thereof the following 4 sections:—

4 Section 21. As used in sections 21 to 55H, inclusive, the
5 following words shall have the following meanings, unless the
6 context clearly otherwise requires:—

7 "51A report", a report filed with the department under
8 section 51A that details suspected child abuse or neglect.

9 "Child", a person under the age of 18.

10 "Child advocate", the child advocate appointed under
11 chapter 18C.

12 “Child in need of services”, a child between the ages of 6 and
13 16 who: (a) repeatedly runs away from the home of a parent or
14 legal guardian; (b) repeatedly fails to obey the lawful and reason-
15 able commands of a parent or legal guardian, thereby interfering
16 with the parent’s or legal guardian’s ability to adequately care for
17 and protect the child; (c) repeatedly fails to obey lawful and rea-
18 sonable school regulations; or (d) when not otherwise excused
19 from attendance in accordance with lawful and reasonable school
20 regulations, willfully fails to attend school for more than 8 school
21 days in a quarter.

22 “Commissioner”, the commissioner of children and families.

23 “Custody”, the power to: (1) determine a child’s place of abode,
24 medical care and education; (2) control visits to a child; and
25 (3) consent to enlistments, marriages and other contracts other-
26 wise requiring parental consent. If a parent or guardian objects to
27 the carrying out of any power conferred by this paragraph, that
28 parent or guardian may take application to the committing court
29 and the court shall review and make an order on the matter.

30 “Department”, the department of children and families.

31 “Mandated reporter”, a person who is: (i) a physician, medical
32 intern, hospital personnel engaged in the examination, care or
33 treatment of persons, medical examiner, psychologist, emergency
34 medical technician, dentist, nurse, chiropractor, podiatrist,
35 optometrist, osteopath, allied mental health and human services
36 professional licensed under section 165 of chapter 112, drug and
37 alcoholism counselor, psychiatrist or clinical social worker; (ii) a
38 public or private school teacher, educational administrator, guid-
39 ance or family counselor, child care worker, person paid to care
40 for or work with a child in any public or private facility, or home
41 or program funded by the commonwealth or licensed under
42 chapter 15D that provides child care or residential services to chil-
43 dren or that provides the services of child care resource and
44 referral agencies, voucher management agencies or family day
45 care systems or child care food programs, licenser of the depart-
46 ment of early education and care or school attendance officer;
47 (iii) a probation officer, clerk-magistrate of a district court, parole
48 officer, social worker, foster parent, firefighter, police officer;
49 (iv) a priest, rabbi, clergy member, ordained or licensed minister,
50 leader of any church or religious body, accredited Christian Sci-

51 ence practitioner, person performing official duties on behalf of a
52 church or religious body that are recognized as the duties of a
53 priest, rabbi, clergy, ordained or licensed minister, leader of any
54 church or religious body, accredited Christian Science practi-
55 tioner, or person employed by a church or religious body to super-
56 vise, educate, coach, train or counsel a child on a regular basis;
57 (v) in charge of a medical or other public or private institution,
58 school or facility or that person's designated agent; or (vi) the
59 child advocate.

60 "Parent", a mother or father, unless another relative has been
61 designated as a parent as defined in section 1 of chapter 118 for
62 the purposes of receiving benefits from the department of transi-
63 tional assistance.

64 "Qualified expert", a person who is qualified as an expert
65 according to the rules of the common law or by statute or is an
66 agent of the department or of an approved charitable corporation
67 or agency substantially engaged in the foster care or protection of
68 children.

69 "Relative", the father or mother of a child; a stepfather, step-
70 mother, stepbrother, stepsister, or any blood relative of a child,
71 including those of the half blood, except cousins who are more
72 distantly related than first cousins; any adoptive relative of equal
73 propinquity to the foregoing; or a spouse of any such persons.

74 "Serious bodily injury", bodily injury which involves a sub-
75 stantial risk of death, extreme physical pain, protracted and
76 obvious disfigurement or protracted loss or impairment of the
77 function of a bodily member, organ or mental faculty.

78 Section 21A. Evidence in proceedings under sections 21 to
79 55H shall be admissible according to the rules of the common law
80 and the general laws and may include reports to the court by a
81 qualified expert who has made an investigation of the facts
82 relating to the welfare of the child. The qualified expert may file
83 with the court in a proceeding under said sections a report in full
84 of all the facts obtained as a result of such investigation. The qual-
85 ified expert may be called as a witness by any party for examina-
86 tion as to the statements made in the report. The examination shall
87 be conducted as though it were on cross-examination. Evidence
88 may include testimony of foster parents or pre-adoptive parents
89 concerning the welfare of a child if such child has been in the care

90 of the foster or pre-adoptive parents for 6 months or more, and
91 may include the testimony of the child if the court determines that
92 the child is competent and willing, after consultation with counsel,
93 if any, to testify.

94 Section 22. An agent of the department shall visit each family
95 foster home, not supervised and approved by a licensed placement
96 agency, at least once a year and may be authorized by the depart-
97 ment to remove a child to its care if, in its judgment, the welfare
98 of the child or its protection from neglect or abuse so require. An
99 agent who is refused entry or hindered in the removal of such
100 child may make complaint, on oath, to a justice of the court
101 having jurisdiction, who may thereupon issue a warrant autho-
102 rizing the agent to obtain sufficient aid and, at any reasonable
103 time, enter the building designated, and any part thereof, to inves-
104 tigate the treatment and condition of a child found there and to
105 remove the child as herein provided. The department shall take
106 the child temporarily into its care, immediately notify the child's
107 parent or legal guardian and, upon request, discharge the child to a
108 parent or legal guardian. If the parent or legal guardian is unable
109 or refuses to make suitable provisions for the child, the depart-
110 ment shall make lawful provisions for the child's care under
111 section 23 or 24.

112 Section 23. (a) The department shall have the responsibility,
113 including financial responsibility, for providing foster care for
114 children through its own resources or by use of appropriate volun-
115 tary agencies, according to the rules and regulations of the depart-
116 ment, in the following instances:—

117 (1) If a child, parent, guardian, or any person acting on behalf
118 of a child, applies for foster care, the department may accept a
119 child who, in the judgment of the department, is in need of foster
120 care. Such acceptance shall entail no abrogation of parental rights
121 or responsibilities, but the department may accept from parents a
122 temporary delegation of certain rights and responsibilities neces-
123 sary to provide the foster care for a period of time under condi-
124 tions agreed upon by both and terminable by either. If the
125 department determines that continued placement beyond 6 months
126 is required for reasons unrelated to parental unfitness and the
127 parent consents to continued placement, the department may file a
128 petition for care and responsibility in the probate court on behalf

129 of a child accepted into foster care. At the initial hearing on the
130 petition, the court shall determine whether continued placement
131 with the department is in the child's best interests and shall issue
132 its determination, including its rationale, in written form. The
133 allowance of the petition shall not abrogate a parent's right to
134 make decisions on behalf of the child, but the department may
135 accept from the parent a temporary delegation of certain rights
136 and responsibilities necessary to continue to provide foster care
137 for the child under conditions agreed upon by both and terminable
138 by either. Notwithstanding any general or special law to the con-
139 trary, a permanency hearing shall be held within 60 days of the
140 transfer of responsibility by order of the probate court or within
141 12 months of initial placement into foster care with the depart-
142 ment, whichever date is later. The hearing shall be conducted as
143 provided in section 29B.

144 (2) If a parent or parents apply for voluntary surrender of cus-
145 tody of a child for purposes of giving consent to adoption, the
146 department may accept the child following the procedure
147 described in clause (1).

148 (3) If a child is without proper guardianship due to death,
149 unavailability, incapacity or unfitness of a parent or guardian or
150 with the consent of a parent or parents, the department may seek,
151 and shall accept, an order of the probate court granting responsi-
152 bility for the child to the department. Such responsibility shall
153 include the right to: (i) determine the child's abode, medical care
154 and education; (ii) control visits to the child; (iii) consent to
155 enlistments, marriages and other contracts requiring parental con-
156 sent; and (iv) consent to adoption only when it is expressly
157 included in an order of the court. In making an order, the probate
158 court shall consider section 29C and shall make the written certifi-
159 cation and determinations required by said section 29C. If a child
160 is in the care of the department of mental health or the department
161 of mental retardation, the responsibility for the child as described
162 in this section and all rights therein contained shall continue in the
163 department. If a person with mental retardation who has been
164 declared mentally incompetent was the responsibility of the
165 department prior to reaching the age of 18, the department shall
166 continue to exercise responsibility for that person until that person
167 is declared to be no longer legally incompetent.

168 (4) The department shall accept on commitment from the juve-
169 nile court any child declared in need of foster care under section
170 26 or declared to be a child in need of services under section 39G.

171 (5) Any child who is left in any place and who is seemingly
172 without a parent or legal guardian available shall be immediately
173 reported to the department, which shall proceed to arrange care
174 for that child temporarily and shall forthwith cause search to be
175 made for that child's parent or guardian. If a parent or guardian
176 cannot be located or is unable or refuses to make suitable provi-
177 sion for the child, the department shall make such lawful provi-
178 sion it deems in the best interest of that child as provided under
179 this chapter.

180 (6) If the department has in its care a child whose parent or par-
181 ents have consented to the child's adoption and the department has
182 been unable to place that child in an adoptive home within 60
183 days of receipt of the consent, the department shall so notify all
184 children's foster care agencies in the commonwealth licensed to
185 place children for adoption. The notice shall request that each
186 such agency attempt to find an adoptive home for such child. If
187 1 of the agencies locates an adoptive home for this child, the
188 department shall cooperate with the agency in the placement of
189 the child in this home and in the supervision of the placement
190 during the 1 year waiting period. Any person in whose home a
191 child has been placed by the department shall also be informed by
192 the department if the child has become eligible for adoption, and
193 this person may request consideration as a prospective adoptive
194 parent.

195 (7) A temporary shelter care facility program or a group care
196 facility, licensed under chapter 15D, may provide temporary
197 shelter for a 72-hour period to a child without parental consent, if
198 the child's welfare would be endangered if such shelter were not
199 immediately provided. At the expiration of the 72-hour period, the
200 licensee shall: (i) secure the consent of a parent or guardian to
201 continued custody and care; (ii) refer the child to the department
202 for custody and care; or (iii) refuse to provide continued care and
203 custody to the child.

204 (b) The department shall develop guidelines and standards for
205 the placement of children in foster care. The guidelines and stan-

206 dards shall be reviewed by the executive office of health and
207 human services and the child advocate.

208 (c) Whenever the department places a child in foster care, the
209 department shall immediately commence a search to locate any
210 relative of the child or other adult person who has played a signif-
211 icant positive role in that child's life in order to determine whether
212 the child may appropriately be placed with that relative or person
213 if, in the judgment of the department, that placement would be in
214 the best interest of the child.

215 The department shall also seek to identify any minor sibling or
216 half-sibling of the child and attempt to place these children in the
217 same foster family if, in the judgment of the department, that
218 placement would be in the best interests of the children.

219 (d) The department may pay a sum not to exceed \$1,100 for
220 the funeral and burial of a child in its care; provided that the cost
221 of the funeral and burial does not exceed \$1,500 and there are
222 insufficient resources to pay for the cost of the funeral and burial.
223 Any resources of the child shall be deducted from the maximum
224 cost of the funeral and burial allowable hereunder and the differ-
225 ence, subject to the limitation set forth in this subsection, shall be
226 paid by the department.

227 (e) If a child is placed in or transferred to a foster home, a
228 completed child profile form shall precede or accompany the child
229 to the foster home. In the case of an emergency placement, the
230 department, the department of youth services, the department of
231 mental health, other departments of the commonwealth respon-
232 sible for the placement of foster children, or a placement agency
233 shall immediately provide a brief verbal or written statement
234 describing the child's outstanding problem behaviors and mental
235 and emotional problems and shall provide the child profile form
236 within 10 days to the foster parents.

237 The department shall develop a child profile form to be used by
238 all other departments of the commonwealth or placement agencies
239 that shall contain the child profile and any other relevant informa-
240 tion necessary to the care, well-being, protection and parenting of
241 the child by the foster parents, including, but not be limited to:
242 (i) a history of the child's previous placements and reasons for
243 placement changes; (ii) a history of the child's problem behaviors
244 and mental and emotional problems; (iii) educational status and

245 school related problem behaviors; and (iv) any other necessary
246 psychological, educational, medical or health information.

247 The child profile form shall immediately be prepared by the
248 department of the commonwealth which is granted care and cus-
249 tody of the child at the time such care and custody is granted.

250 (f) The department may continue its responsibility as provided
251 in this section for any person under 22 years of age: (i) for the
252 purposes of specific educational or rehabilitative programs, or
253 (ii) to promote and support that person in fully developing and
254 fulfilling that person's potential to be a participating citizen of the
255 commonwealth under conditions agreed upon by both the depart-
256 ment and that person. The purposes and conditions of such
257 responsibility may be reviewed and revised or terminated by
258 either the person or the department. If, after termination, the
259 person requests that the department renew its responsibility there-
260 fore, the department shall make every reasonable attempt to pro-
261 vide a program of support which is acceptable to the person and
262 which permits the department to renew its responsibility.

263 The department shall report annually to the child advocate,
264 chairs of the joint committee on children, families and persons
265 with disabilities and the senate and house committees on ways and
266 means on the numbers of persons it serves and declines to serve
267 under this subsection.

268 (g) The department shall obtain and provide to the IV-D
269 agency, as set forth in chapter 119A, an assignment of support
270 rights on behalf of each child receiving foster care maintenance
271 payments under Title IV, Part E, of the Social Security Act. The
272 department shall be subrogated to the rights of each such child
273 and shall obtain and provide to the IV-D agency information that
274 may be reasonably necessary to enforce the department's right
275 including, but not limited to, the following information: the
276 child's name, date of birth, place of birth, Social Security number,
277 address and benefit level and, if known, each parent's name, date
278 of birth, place of birth, Social Security number, most recent
279 address and most recent employer. The department shall immedi-
280 ately notify the IV-D agency when a child whose rights to support
281 are subrogated no longer receives foster care maintenance pay-
282 ments under said Title IV, Part E, of the Social Security Act.

283 (h) The department shall, subject to appropriation, provide
284 assistance to foster care families which includes maintenance pay-
285 ments at the daily rate recommended and periodically adjusted by
286 the United States Department of Agriculture. The department
287 shall periodically review the level of assistance including mainte-
288 nance payments provided to adoptive and guardianship families
289 and may, subject to appropriation, and consistent with federal law
290 and policy, adjust such assistance as warranted by the financial
291 circumstances of the family, the needs of the child or the rate of
292 inflation.

293 The department shall report annually on September 1, to the
294 senate and house committees on ways and means and the joint
295 committee on children, families and persons with disabilities on
296 the amounts expended to provide to foster care, adoptive and
297 guardianship families financial and other assistance including, but
298 not limited to, payments to provide for the care of children.

299 (i) The department, in consultation with the executive office of
300 public safety and security, shall work with the department of state
301 police and municipal police departments to ensure that adequate
302 efforts are being made to identify and to provide for the imme-
303 diate protection, care and custody of the minor children of a
304 person arrested or placed in custody by police officers in the per-
305 formance of their official duties.

1 SECTION 84. Said chapter 119 is hereby further amended by
2 striking out sections 24 to 26A, inclusive, as so appearing, and
3 inserting in place thereof the following 6 sections:—

4 Section 24. A person may petition under oath the juvenile
5 court alleging on behalf of a child within its jurisdiction that the
6 child: (a) is without necessary and proper physical or educational
7 care and discipline; (b) is growing up under conditions or circum-
8 stances damaging to the child's sound character development;
9 (c) lacks proper attention of the parent, guardian with care and
10 custody or custodian; or (d) has a parent, guardian or custodian
11 who is unwilling, incompetent or unavailable to provide any such
12 care, discipline or attention.

13 The court may issue a precept to bring the child before the
14 court, and shall issue a notice to the department and summonses to
15 both parents of the child to show cause why the child should not

16 be committed to the custody of the department or why any other
17 appropriate order should not be made. A petition under this
18 section may be brought in the judicial district where the child is
19 located or where the parent, guardian with care and custody or
20 custodian is domiciled. The summonses shall include notice that
21 the court may dispense with the right of the parents to notice of or
22 consent to the adoption, custody or guardianship or any other dis-
23 position of the child named therein if it finds that the child is in
24 need of care and protection and that the best interests of the child
25 would be served by any such disposition. Notice shall be by per-
26 sonal service upon the parent. If the identity or whereabouts of a
27 parent is unknown, the petitioner shall cause notice in a form pre-
28 scribed by the court to be served upon such parent by publication
29 once in each of 3 successive weeks in any newspaper as the court
30 may order. If no parent can be found after reasonable search, a
31 summons shall be issued to the child's legal guardian, if any,
32 known to reside within the commonwealth and, if none, to the
33 person with whom such child last resided, if known.

34 If the court is satisfied after the petitioner testifies under oath
35 that there is reasonable cause to believe that: (i) the child is suf-
36 fering from serious abuse or neglect or is in immediate danger of
37 serious abuse or neglect; and (ii) that immediate removal of the
38 child is necessary to protect the child from serious abuse or
39 neglect, the court may issue an emergency order transferring cus-
40 tody of the child for up to 72 hours to the department or to a
41 licensed child care agency or individual described in subclause (ii)
42 of clause (2) of subsection (b) of section 26.

43 Upon entry of the order, notice to appear before the court shall
44 be given to either parents, both parents, a guardian with care and
45 custody or another custodian. At that time, the court shall deter-
46 mine whether temporary custody shall continue beyond 72 hours
47 until a hearing on the merits of the petition for care and protection
48 is concluded before the court. The court shall also consider the
49 provisions of section 29C and shall make the written certification
50 and determinations required by said section 29C.

51 Upon the issuance of the precept and order of notice, the court
52 shall appoint a qualified expert to investigate the conditions
53 affecting the child and to make a report under oath to the court,
54 which shall be attached to the petition and be a part of the record.

55 If the child is alleged to be abandoned, as defined in section 3
56 of chapter 210, hearings on the petition under section 26 shall be
57 expedited. If the parents or guardians consent, a child may be
58 committed to the department under this section without a hearing
59 or notice.

60 Section 25. The petition under section 24 may be heard on the
61 merits when a child is taken into custody and brought before the
62 court or may be continued to a time fixed for hearing. Pending
63 the hearing on the merits, the court may allow the child to be
64 placed in the care of some suitable person or licensed agency pro-
65 viding foster care for children or may commit the child to the cus-
66 tody of the department. If the court commits a child to the
67 custody of the department, the court shall consider the provisions
68 of section 29C and shall make the written certification and deter-
69 minations required by said section 29C.

70 Section 26. (a) If the child is identified by the court and it
71 appears that the precept and summonses have been duly and
72 legally served, that notice has been issued to the department and
73 the report of the qualified expert is received, the court may excuse
74 the child from the hearing and shall proceed to hear the evidence.

75 (b) If the court finds the allegations in the petition proved
76 within the meaning of this chapter, it may adjudge that the child is
77 in need of care and protection. In making such adjudication, the
78 health and safety of the child shall be of paramount concern. If
79 the child is adjudged to be in need of care and protection, the
80 court may commit the child to the custody of the department until
81 he becomes an adult or until, in the opinion of the department, the
82 object of his commitment has been accomplished, whichever
83 occurs first; and the court shall consider the provisions of
84 section 29C and shall make the written certification and determi-
85 nations required by said section 29C. The court also may make
86 any other appropriate order, including conditions and limitations,
87 about the care and custody of the child as may be in the child's
88 best interest including, but not limited to, any 1 or more of the
89 following:

90 (1) It may permit the child to remain with a parent, guardian or
91 other custodian, and may require supervision as directed by the
92 court for the care and protection of the child.

93 (2) It may transfer temporary or permanent legal custody to:

94 (i) any person, including the child's parent, who, after study by
95 a probation officer or other person or agency designated by the
96 court, is found by the court to be qualified to give care to the
97 child;

98 (ii) any agency or other private organization licensed or other-
99 wise authorized by law to receive and provide care for the child;
100 or

101 (iii) the department of children and families.

102 (3) It may order appropriate physical care including medical or
103 dental care.

104 (4) It may dispense with the need for consent of any person
105 named in section 2 of chapter 210 to the adoption, custody,
106 guardianship or other disposition of the child named therein.

107 In determining whether such an order should be made, the stan-
108 dards set forth in section 3 of said chapter 210 concerning an
109 order to dispense with the need for consent to adoption of a child
110 shall be applied. If the child who is the subject of the petition is
111 under the age of 12, and if the court adjudicates the child to be in
112 need of care and protection under this section, the court shall enter
113 an order dispensing with the need for consent to adoption upon
114 finding that the best interests of the child, as defined in
115 paragraph (c) of said section 3 of said chapter 210, will be served
116 thereby. The entry of such an order shall have the effect of termi-
117 nating the rights of a person named therein to receive notice of or
118 to consent to any legal proceeding affecting the custody, guardian-
119 ship, adoption or other disposition of the child named therein.

120 The department shall file a petition or a motion to amend a peti-
121 tion to dispense with parental consent to adoption, custody,
122 guardianship or other disposition of the child if: (i) the child has
123 been abandoned; (ii) the parent has been convicted by a court of
124 competent jurisdiction of the murder or voluntary manslaughter of
125 another child of such parent, of aiding, abetting, attempting, con-
126 spiring or soliciting to commit such murder or voluntary
127 manslaughter or of an assault constituting a felony which resulted
128 in serious bodily injury to the child or to another child of such
129 parent; or (iii) the child has been in foster care in the custody of
130 the state for 15 of the immediately preceding 22 months. Under
131 this paragraph, a child shall be considered to have entered foster
132 care on the earlier of: (a) the date of the first judicial finding,

133 under section 24 or this section, that the child has been subjected
134 to abuse or neglect; or (b) the date that is 60 days after the date on
135 which the child is removed from the home. The department shall
136 concurrently identify, recruit, process and approve a qualified
137 family for adoption.

138 The department need not file such a motion or petition to dis-
139 pense with parental consent to the adoption, custody, guardianship
140 or other disposition of the child if the child is being cared for by a
141 relative or the department has documented in the case plan a com-
142 pelling reason for determining that such a petition would not be in
143 the best interests of the child or that the family of the child has not
144 been provided, consistent with the time period in the case plan,
145 such services as the department deems necessary for the safe
146 return of the child to the child's home if reasonable efforts as set
147 forth in section 29C are required to be made with respect to the
148 child.

149 Notwithstanding the foregoing, the following circumstances
150 shall constitute grounds for dispensing with the need for consent
151 to adoption, custody, guardianship or other disposition of the
152 child: (i) the child has been abandoned; or (ii) the parent has been
153 convicted by a court of competent jurisdiction of the murder or
154 voluntary manslaughter of another child of such parent, of aiding,
155 abetting, attempting, conspiring or soliciting to commit such
156 murder or voluntary manslaughter or of an assault constituting a
157 felony which resulted in serious bodily injury to the child or to
158 another child of the parent.

159 (5) The court may order the parents or parent of said child to
160 reimburse the commonwealth or other agency for care in appro-
161 priate cases.

162 (c) On any petition filed in any court under this section, the
163 department or the parents, person having legal custody, probation
164 officer or guardian of a child or the counsel or guardian ad litem
165 for a child may petition the court not more than once every 6
166 months for a review and redetermination of the current needs of
167 such child whose case has come before the court, except that any
168 person against whom a decree to dispense with consent to adop-
169 tion has been entered under clause (4) of subsection (b) shall not
170 have such right of petition for review and redetermination. Unless
171 the court enters written findings setting forth specific extraordi-

172 nary circumstances that require continued intervention by the
173 court, the court shall enter a final order of adjudication and per-
174 manent disposition, not later than 15 months after the date the
175 case was first filed in court. The date by which a final order of
176 adjudication and permanent disposition shall be entered may be
177 extended once for a period not to exceed 3 months and only if the
178 court makes a written finding that the parent has made consistent
179 and goal-oriented progress likely to lead to the child's return to
180 the parent's care and custody. Findings in support of such final
181 order of adjudication and permanent disposition shall be made in
182 writing within a reasonable time of the court's order. The court
183 shall not lose jurisdiction over the petition by reason of its failure
184 to enter a final order and the findings in support thereof within the
185 time set forth in this paragraph.

186 Section 26A. When deciding whether to approve or reject a
187 registration of interest for foster care placement, the department
188 shall conduct a review of any misdemeanor offense discovered
189 through a criminal offender record information search conducted
190 under section 172B of chapter 6 in order to assist the department
191 in accurately evaluating whether the mere existence of the offense
192 has a substantial effect on the applicant's current or future ability
193 to assume and carry out the responsibilities of a foster parent in
194 such a manner that the rights of the child to sound health and
195 normal physical, mental, spiritual and moral development are
196 insured. The review shall include, but not be limited to, a review
197 of the following: (i) the time that has elapsed between the date of
198 the offense and the filing of the registration of interest; (ii) the
199 seriousness and specific circumstances of the offense; (iii) the
200 number and nature of other offenses; (iv) the age of the offender
201 at the time of the offense; (v) the findings and recommendations
202 of the family resource worker assigned by the department to dis-
203 cuss the facts surrounding the misdemeanor with the applicant;
204 (vi) the recommendations given to the family resource worker by
205 personal or employment references chosen by the applicant or
206 received otherwise; (vii) the current and future needs of the child
207 to be placed and the probable effect that the misdemeanor would
208 have on the applicant's ability to fulfill those needs; (viii) any
209 reports or recommendations received by the department from the
210 applicant's parole or probation officer if 1 was assigned; (ix) a

211 copy of the police report pertaining to the offense in question if
212 obtainable within a reasonable period of time or discussions with
213 a police officer familiar with the facts surrounding the offense;
214 and (x) discussions with the child to be placed regarding his cur-
215 rent and past relationship with the applicant, unless these discus-
216 sions are inappropriate. Nothing in this section shall affect the
217 discretion of the department to approve or reject the registration
218 of interest for foster care placement.

219 Section 26B. (a) Whenever a child is placed in family foster
220 care, the court and the department shall ensure that a grandparent
221 of a child who is in the department's care or is the subject of a
222 petition under this chapter shall, upon that grandparent's request,
223 have access to reasonable visitation and that the department estab-
224 lish a schedule for that visitation, unless it is determined by the
225 court or the department that grandparent visitation is not in the
226 child's best interests. In determining the best interests of the
227 child, the court or the department shall consider the goal of the
228 service plan and the relationship between the grandparent and the
229 child's parents or legal guardian. Upon recommendation by the
230 department or on its own accord, the court may establish reason-
231 able conditions governing grandparent visitation, including
232 requiring that the grandparent be restrained from revealing the
233 whereabouts of the child's placement.

234 A grandparent of a child who is placed with the department vol-
235 untarily under clause (1) of subsection (a) of section 23 or placed
236 in the custody of the department under an adoption surrender
237 under section 2 of chapter 210, who is denied grandparent visita-
238 tion by the department, may appeal through the department's fair
239 hearing process. A grandparent may appeal the decision reached
240 through the department's fair hearing process by filing a petition
241 in the probate and family court for grandparent visitation. That
242 grandparent shall have the right to court review by trial de novo.

243 A grandparent of a child who is the subject of a petition under
244 this chapter and placed in the custody of the department may file a
245 petition for visitation in the court which has committed the child
246 to the custody of the department.

247 (b) The court or the department shall, whenever reasonable and
248 practical and based upon a determination of the best interests of
249 the child, ensure that children placed in foster care shall have

250 access to and visitation with siblings in other foster or pre-adop-
251 tive homes or in the homes of parents or extended family mem-
252 bers throughout the period of placement in the care and custody of
253 the department, or after such placements, if the children or their
254 siblings are separated through adoption or long-term or short-term
255 placements in foster care.

256 The court or the department shall determine, at the time of the
257 initial placements wherein children and their siblings are sepa-
258 rated through placements in foster, pre-adoptive or adoptive care,
259 that sibling visitation rights be implemented through a schedule of
260 visitations or supervised visitations, to be arranged and monitored
261 through the appropriate public or private agency, and with the par-
262 ticipation of the foster, pre-adoptive or adoptive parents, or
263 extended family members, and the child, if reasonable, and other
264 parties who are relevant to the preservation of sibling relation-
265 ships and visitation rights.

266 A child in foster care or sibling of a child placed voluntarily
267 under clause (1) of subsection (a) of section 23 or under an adop-
268 tion surrender under section 2 of chapter 210, who are denied visi-
269 tation rights by the department, may appeal through the
270 department's fair hearing process. The child or sibling may
271 appeal the decision reached through the department's fair hearing
272 process by filing a petition in the probate and family court for vis-
273 itation. That child or sibling shall have the right to court review
274 by trial de novo.

275 For children in the custody of the department pursuant to peti-
276 tion under this chapter, a child, sibling, parent, legal guardian or
277 the department may file a petition for sibling visitation in the
278 court committing the child to the custody of the department.

279 Periodic reviews shall evaluate the effectiveness and appropri-
280 ateness of sibling visitations.

281 Any child over 12 years of age may request visitation with sib-
282 lings who have been separated and placed in care or have been
283 adopted in a foster or adoptive home other than where the child
284 resides.

285 (c) A parent: (i) against whom a decree to dispense with con-
286 sent to adoption has been entered under clause 4 of subsection (b)
287 of section 26 or section 3 of chapter 210 or (ii) who has signed a
288 voluntary adoption surrender under section 2 of chapter 210 shall

289 not have the rights provided under this section as to the child who
290 is the subject of that decree or surrender.

291 (d) A child, parent, guardian, grandparent or the department
292 may appeal a decision or order of the trial court to the appeals
293 court under this section if such person or the department is a party
294 thereto. The claim of appeal shall be filed in the office of the
295 clerk or register of the trial court within 30 days following the
296 court's decision or order. Thereafter, the appeal shall be governed
297 by the Massachusetts Rules of Appellate Procedure.

298 Section 26C. The department shall provide all children's foster
299 care agencies acting as agents of the department and that employ
300 foster care providers, a summary of the record of any such foster
301 care provider's employment as a foster care provider as compiled
302 by the department. Said summary shall include names and con-
303 tacts of all other agencies that employed such person as a foster
304 care provider, the tenure of each such employment as a foster care
305 provider, the reasons for ending each such employment, and any
306 other information the department deems relevant and necessary to
307 determine the employee's fitness to continue to be employed as a
308 foster care provider. The department shall require any foster care
309 agency that employs foster care providers and with which it con-
310 tracts to supply the information included in such summary to the
311 department and maintain this information in a database. The
312 department shall consult the department of early education and
313 care if necessary to facilitate the collection of this information.

1 SECTION 85. Said chapter 119 is hereby further amended by
2 striking out sections 28 and 29, as so appearing, and inserting in
3 place thereof the following 2 sections:—

4 Section 28. (a) During the pendency of an action brought
5 under section 24, temporary orders providing for the support of a
6 child may be entered. The court may thereafter enter a judgment
7 against the party chargeable with support. When the court makes
8 an order of support on behalf of a party, and that party is not cov-
9 ered by a private group health insurance plan, the court shall
10 determine whether the person chargeable with support has private
11 health insurance or a group plan available to him through an
12 employer or organization that may be extended to cover the party
13 for whom support is ordered. When the court has determined that

14 the person chargeable with support has this insurance, such court
15 shall include in the order or judgment a provision relating to the
16 insurance. Any such order of support shall conform to and be
17 enforced under section 12 of chapter 119A.

18 (b) Actions under this section to establish support of a child
19 may be commenced by a parent, whether a minor or not; by the
20 child; by the child's guardian, next of kin or other person standing
21 in a parental relationship to the child; by the authorized agent of
22 the department of children and families or any agency licensed
23 under chapter 15D if the child is in its custody or is or was a
24 recipient of any type of public assistance by the IV-D agency as
25 set forth in chapter 119A on behalf of the department of transi-
26 tional assistance, the department of children and families, the divi-
27 sion of medical assistance, or any other public assistance program
28 of the commonwealth. In the event that someone other than the
29 IV-D agency commences the action, if the parent or child is or
30 was a recipient of any type of public assistance, the court shall
31 notify the IV-D agency of the pendency of the action and the IV-D
32 agency shall be permitted to intervene in the action.

33 (c) An order, or judgment of support under this section, may be
34 entered notwithstanding the default of the person chargeable with
35 support or his failure to appear personally.

36 (d) In determining the amount of current support to be paid,
37 the court shall apply the child support guidelines established by
38 the chief administrative justice of the trial court, or, in the absence
39 of such standards, shall consider the factors set forth in section 32
40 of chapter 209.

41 (e) The person chargeable with support shall comply with this
42 order, or judgment until it is dismissed or expires. When an action
43 brought under section 24 is dismissed or a final order of commit-
44 ment is entered, the order or judgment of support shall expire 6
45 months after the judgment of dismissal or final order of commit-
46 ment. At the time of the dismissal or final order of commitment,
47 the court shall notify the parties and the IV-D agency, as set forth
48 in chapter 119A, of the expiration date of the support order or
49 judgment.

50 Section 29. Whenever an adult with mental retardation who is
51 the responsibility of the department or a child is before any court
52 under clause (3) of subsection (a) of section 23, or sections 24 to

53 27, inclusive, this section or section 29B, that adult or child shall
54 have and be informed of the right to counsel at all hearings and
55 that the court shall appoint counsel for that adult or child if the
56 adult or child is not able to retain counsel.

57 Whenever the department or a licensed child placement agency
58 is a party to child custody proceedings, the parent, guardian or
59 custodian of the adult with mental retardation or the child:
60 (i) shall have and be informed of the right to counsel at all such
61 hearings, including proceedings under sections 5 and 14 of
62 chapter 201, and that the court shall appoint counsel if he is finan-
63 cially unable to retain counsel; and (ii) shall have and be informed
64 of the right to a service plan or case plan for the adult with mental
65 retardation or child and his family which complies with applicable
66 state and federal laws and regulations for these plans. The pro-
67 bate and family court and the juvenile court departments of the
68 trial court shall establish procedures for: (i) notifying the parent,
69 guardian or custodian of these rights; and (ii) appointing counsel
70 for an indigent parent, guardian or custodian within 14 days of a
71 licensed child placement agency filing or appearing as a party in
72 any such action. The department or agency shall provide a copy
73 of the service or case plan to the parent, guardian or custodian of
74 the adult with mental retardation or child and to the attorneys for
75 all parties appearing in the proceeding within 45 days of the
76 department or agency filing an appearance in such proceeding.
77 Thereafter, any party may have the original or changed plan intro-
78 duced as evidence, and with the consent of all parties the plan
79 shall be filed with the court. Notwithstanding this section, the
80 court may make such temporary orders as may be necessary to
81 protect the adult with mental retardation or the child and society.

82 The department, upon its request, shall be represented by the
83 district attorney for the district in which the case is being heard.

1 SECTION 86. Section 29B of said chapter 119 is hereby
2 amended by striking out the first paragraph, as so appearing, and
3 inserting in place thereof the following paragraph:—

4 Except as provided herein, within 12 months of the original
5 commitment, grant of custody, or transfer of responsibility of a
6 child to the department by a court of competent jurisdiction, and
7 not less than every 12 months thereafter while the child remains in

8 the care of the department, the committing court shall conduct a
9 permanency hearing, in accordance with rules established by the
10 chief justice for administration and management, to determine and
11 periodically review thereafter the permanency plan for the child.
12 The plan shall address whether and, if applicable, when: (1) the
13 child will be returned to the parent; (2) the child will be placed for
14 adoption and the steps the department will take to free the child
15 for adoption; (3) the child will be referred for legal guardianship;
16 (4) the child will be placed in permanent care with relatives; or
17 (5) the child will be placed in another permanent planned living
18 arrangement. The department shall file a permanency plan prior to
19 a permanency hearing that shall address the above placement
20 alternatives. The court shall consult with the child in an age-
21 appropriate manner about the permanency plan developed for the
22 child.

1 SECTION 87. Said chapter 119 is hereby further amended by
2 striking out section 29C, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 29C. If a court of competent jurisdiction commits,
5 grants custody or transfers responsibility for a child to the depart-
6 ment or its agent, the court shall certify that the continuation of
7 the child in his home is contrary to his best interests and shall
8 determine whether the department or its agent, as appropriate, has
9 made reasonable efforts prior to the placement of a child with the
10 department to prevent or eliminate the need for removal from the
11 home; but, if a child has been placed voluntarily with the depart-
12 ment by the parent under clause (1) of subsection (a) of section 23
13 and the parent consents to continued placement under a petition
14 filed under said clause (1) or clause (2) of said subsection (a) of
15 said section 23, the court shall determine at an initial hearing only
16 whether continued placement is in the child's best interests.
17 Except as provided herein, if a court has previously committed,
18 granted custody or transferred responsibility for a child to the
19 department or its agent, the court shall determine not less than
20 annually whether the department or its agent has made reasonable
21 efforts to make it possible for the child to return safely to his
22 parent or guardian. In making any determination, the health and
23 safety of the child shall be of paramount concern.

24 Reasonable efforts by the department prior to removal of a
25 child from the home or to return the child to a parent or guardian
26 shall not be required if the court finds that: (i) the child has been
27 abandoned as defined in section 3 of chapter 210; (ii) the parent's
28 consent to adoption of a sibling of the child was dispensed with
29 under section 26 or under said section 3 of said chapter 210, or the
30 parent's rights were involuntarily terminated in a case involving a
31 sibling of the child; (iii) the parent has been convicted of 1 of the
32 following crimes by a court of competent jurisdiction: (a) murder
33 or voluntary manslaughter of another child of the parent or aiding,
34 abetting, attempting, conspiring or soliciting to commit such a
35 murder or voluntary manslaughter; or (b) an assault constituting a
36 felony which resulted in serious bodily injury to the child or
37 another child of the parent; or (iv) a parent has subjected the child
38 to aggravated circumstances consisting of murder of another
39 parent of the child in the presence of the child or by subjecting the
40 child or other children in the home to sexual abuse or exploitation
41 or severe or repetitive conduct of a physically or emotionally abu-
42 sive nature. For the purposes of this section, conduct of an "emo-
43 tionally abusive nature" shall mean any conduct causing an
44 impairment to or disorder of the intellectual or psychological
45 capacity of a child as evidenced by observable and substantial
46 reduction in the child's ability to function within a normal range
47 of performance and behavior.

48 If a court has determined at a permanency hearing convened
49 under section 29B, that reasonable efforts to safely return the
50 child to his parent or guardian are inconsistent with the perma-
51 nency plan for the child or if a court has determined that reason-
52 able efforts are not required as set forth herein, the court shall
53 determine at least annually thereafter whether the department has
54 made reasonable efforts to place the child in a timely manner in
55 accordance with the permanency plan determined and reviewed
56 under section 29B.

57 The court shall make the certification and determinations
58 required under this section in written form, which shall include
59 the basis for the certification and determinations. A determination
60 by the court that reasonable efforts were not made shall not pre-
61 clude the court from making any appropriate order conducive to
62 the child's best interest.

1 SECTION 88. Section 32 of said chapter 119, as so appearing,
2 is hereby amended by inserting after the first paragraph the
3 following paragraph:—

4 The department shall insure that every foster child upon entry
5 into the foster care system shall be screened and evaluated under
6 the early and periodic screening, diagnostic and treatment stan-
7 dards established by Title XIX of the Social Security Act, unless
8 the child has been screened and evaluated within 30 days prior to
9 his entry into the system.

1 SECTION 89. Said chapter 119 is hereby further amended by
2 striking out section 38, as so appearing, and inserting in place
3 thereof the following 2 sections:—

4 Section 38. All hearings under sections 1 to 38A, inclusive,
5 except those related to court orders to not resuscitate or to with-
6 draw life-sustaining medical treatment for children in the custody
7 of the department under a care and protection order, shall be
8 closed to the general public. It shall be unlawful to publish the
9 names of persons before the court in any closed hearing.

10 Section 38A. In any proceedings related to court orders to not
11 resuscitate or to withdraw life-sustaining medical treatment, the
12 department or the party petitioning for the order shall require: (i) a
13 written opinion from the child's treating physician, (ii) a written
14 recommendation from the ethics committee of the hospital at
15 which the child is a patient, and (iii) a written second opinion
16 from a physician who is certified in the same medical specialty as
17 the child's treating physician and who is not affiliated with the
18 hospital at which the child is a patient. The department or the
19 party petitioning for the order shall submit these documents to the
20 court. The commissioner shall determine and make the depart-
21 ment's recommendation to the court. The court shall also seek a
22 recommendation from the child's parent or guardian. The court
23 shall appoint a guardian ad litem to make a recommendation to the
24 court on behalf of the child. Any appeal made under this section
25 shall be an interlocutory appeal.

1 SECTION 90. Section 39½ of said chapter 119, as so
2 appearing, is hereby amended by striking out, in lines 1 and 2, the
3 words "of social services".

1 SECTION 91. The first sentence of the eighth paragraph of
2 said section 39½ of said chapter 119, as amended by chapter 86 of
3 the acts of 2007, is hereby further amended by striking out the
4 words “of social services”.

1 SECTION 92. Section 39E of said chapter 119, as appearing in
2 the 2006 Official Edition, is hereby amended by striking out, in
3 line 84, the words “social services” and inserting in place thereof
4 the following words:— children and families.

1 SECTION 93. Section 39G of said chapter 119, as so
2 appearing, is hereby amended by striking out, in line 26, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 94. Section 39H of said chapter 119, as so
2 appearing, is hereby amended by striking out, in lines 13 and 14,
3 and in line 23, the words “social services” and inserting in place
4 thereof, in each instance, the following words:— children and
5 families.

1 SECTION 95. Said chapter 119 is hereby further amended by
2 striking out section 51A, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 51A. (a) A mandated reporter who, in his professional
5 capacity, has reasonable cause to believe that a child is suffering
6 physical or emotional injury resulting from: (i) abuse inflicted
7 upon him which causes harm or substantial risk of harm to the
8 child's health or welfare, including sexual abuse; (ii) neglect,
9 including malnutrition; or (iii) physical dependence upon an
10 addictive drug at birth, shall immediately communicate with the
11 department orally and, within 48 hours, shall file a written report
12 with the department detailing the suspected abuse or neglect.

13 If a mandated reporter is a member of the staff of a medical or
14 other public or private institution, school or facility, the mandated
15 reporter may instead notify the person or designated agent in
16 charge of such institution, school or facility who shall become
17 responsible for notifying the department in the manner required
18 by this section.

19 A mandated reporter may, in addition to filing a report under
20 this section, contact local law enforcement authorities or the child
21 advocate about the suspected abuse or neglect.

22 (b) For the purpose of reporting under this section, hospital
23 personnel may have photographs taken of the areas of trauma vis-
24 ible on the child without the consent of the child's parents or
25 guardians. These photographs or copies thereof shall be sent to
26 the department with the report.

27 If hospital personnel collect physical evidence of abuse or
28 neglect of the child, the local district attorney, local law enforce-
29 ment authorities, and the department shall be immediately noti-
30 fied. The physical evidence shall be processed immediately so
31 that the department may make an informed determination within
32 the time limits in section 51B. If there is a delay in processing,
33 the department shall seek a waiver under subsection (d) of
34 section 51B.

35 (c) Notwithstanding subsection (g), whoever violates this
36 section shall be punished by a fine of not more than \$1,000.
37 Whoever knowingly and willfully files a frivolous report of abuse
38 or neglect under this section shall be punished by a fine of not
39 more than \$1000.

40 (d) A report filed under this section shall contain: (i) the names
41 and addresses of the child and the child's parents or other person
42 responsible for the child's care, if known; (ii) the child's age;
43 (iii) the child's sex; (iv) the nature and extent of the child's
44 injuries, abuse, maltreatment or neglect, including any evidence of
45 prior injuries, abuse, maltreatment or neglect; (v) the circum-
46 stances under which the person required to report first became
47 aware of the child's injuries, abuse, maltreatment or neglect;
48 (vi) whatever action, if any, was taken to treat, shelter or other-
49 wise assist the child; (vii) the name of the person or persons
50 making the report; (viii) any other information that the person
51 reporting believes might be helpful in establishing the cause of the
52 injuries; (ix) the identity of the person or persons responsible for
53 the neglect or injuries; and (x) other information required by the
54 department.

55 (e) A mandated reporter who has reasonable cause to believe
56 that a child has died as a result of any of the conditions listed in
57 subsection (a) shall report the death to the district attorney for the

58 county in which the death occurred and the office of the chief
59 medical examiner as required by clause (16) of section 3 of
60 chapter 38. Any person who fails to file a report under this sub-
61 section shall be punished by a fine of not more than \$1,000.

62 (f) Any person may file a report under this section if that
63 person has reasonable cause to believe that a child is suffering
64 from or has died as a result of abuse or neglect.

65 (g) No mandated reporter shall be liable in any civil or crim-
66 inal action for filing a report under this section or for contacting
67 local law enforcement authorities or the child advocate, if the
68 report or contact was made in good faith, was not frivolous, and
69 the reporter did not cause the abuse or neglect. No other person
70 filing a report under this section shall be liable in any civil or
71 criminal action by reason of the report if it was made in good faith
72 and if that person did not perpetrate or inflict the reported abuse
73 or cause the reported neglect. Any person filing a report under
74 this section may be liable in a civil or criminal action if the
75 department or a district attorney determines that the person filing
76 the report may have perpetrated or inflicted the abuse or caused
77 the neglect.

78 (h) No employer shall discharge, discriminate or retaliate
79 against a mandated reporter who, in good faith, files a report
80 under this section, testifies or is about to testify in any proceeding
81 involving child abuse or neglect. Any employer who discharges,
82 discriminates or retaliates against that mandated reporter shall be
83 liable to the mandated reporter for treble damages, costs and attor-
84 ney's fees.

85 (i) Within 30 days of receiving a report from a mandated
86 reporter, the department shall notify the mandated reporter, in
87 writing, of its determination of the nature, extent and cause or
88 causes of the injuries to the child and the services that the depart-
89 ment intends to provide to the child or the child's family.

90 (j) Any privilege relating to confidential communications,
91 established by sections 135 to 135B, inclusive, of chapter 112 or
92 by sections 20A and 20B of chapter 233, shall not prohibit the
93 filing of a report under this section or a care and protection peti-
94 tion under section 24, except that a priest, rabbi, clergy member,
95 ordained or licensed minister, leader of a church or religious body
96 or accredited Christian Science practitioner need not report infor-
97 mation solely gained in a confession or similarly confidential

98 communication in other religious faiths. Nothing in the general
99 laws shall modify or limit the duty of a priest, rabbi, clergy
100 member, ordained or licensed minister, leader of a church or reli-
101 gious body or accredited Christian Science practitioner to report
102 suspected child abuse or neglect under this section when the
103 priest, rabbi, clergy member, ordained or licensed minister, leader
104 of a church or religious body or accredited Christian Science prac-
105 titioner is acting in some other capacity that would otherwise
106 make him a mandated reporter.

1 SECTION 96. Section 51A of said chapter 119 is hereby
2 amended by striking out subsection (c), as appearing in section 95,
3 and inserting in place thereof the following subsection:—

4 (c) Notwithstanding subsection (g), whoever violates this
5 section shall be punished by a fine of not more than \$1,000.
6 Whoever knowingly and willfully files a frivolous report of child
7 abuse or neglect under this section shall be punished by: (i) a fine
8 of not more than \$2,000 for the first offense; (ii) imprisonment in
9 a house of correction for not more than 6 months and a fine of not
10 more than \$2,000 for the second offense; and (iii) imprisonment in
11 a house of correction for not more than 2½ years and a fine of not
12 more than \$2,000 for the third and subsequent offenses.

13 Any mandated reporter who has knowledge of child abuse or
14 neglect that resulted in serious bodily injury to or death of a child
15 and willfully fails to report such abuse or neglect shall be pun-
16 ished by a fine of up to \$5,000 or imprisonment in the house of
17 correction for not more than 2½ years or by both such fine and
18 imprisonment; and, upon a guilty finding or a continuance without
19 a finding, the court shall notify any appropriate professional
20 licensing authority of the mandated reporter's violation of this
21 paragraph.

1 SECTION 97. Said section 51A of said chapter 119 of the
2 General Laws, as so appearing, is hereby further amended by
3 adding the following subsection:—

4 (k) A mandated reporter who is professionally licensed by the
5 commonwealth shall complete training to recognize and report
6 suspected child abuse or neglect.

1 SECTION 98. Said chapter 119 is hereby further amended by
2 striking out section 51B, as appearing in the 2006 Official Edition,
3 and inserting in place thereof the following section:—

4 Section 51B. (a) Upon receipt of a report filed under
5 section 51A, the department shall investigate the suspected child
6 abuse or neglect, provide a written evaluation of the household of
7 the child, including the parents and home environment and make a
8 written determination relative to the safety of and risk posed to the
9 child and whether the suspected child abuse or neglect is substan-
10 tiated.

11 (b) The investigation shall include: (i) a home visit at which
12 the child is viewed, if appropriate; (ii) a determination of the
13 nature, extent and cause or causes of the injuries; (iii) the identity
14 of the person or persons responsible therefore; (iv) the name, age
15 and condition of other children in the same household; (v) an
16 evaluation of the parents and the home environment; and (vi) all
17 other pertinent facts or matters. The department shall coordinate
18 with other agencies to make all reasonable efforts to minimize the
19 number of interviews of any potential victim of child abuse or
20 neglect. Upon completion of the investigation and evaluation, the
21 department shall make a written determination relative to: (i) the
22 safety of the child and risk of physical or emotional injury to that
23 child and the safety of and risk thereto of any other children in the
24 household; and (ii) whether the suspected child abuse or neglect is
25 substantiated.

26 (c) If the department has reasonable cause to believe a child's
27 health or safety is in immediate danger from abuse or neglect, the
28 department shall take a child into immediate temporary custody if
29 it has reasonable cause to believe that the removal is necessary to
30 protect the child from abuse or neglect. The investigation and
31 evaluation shall commence within 2 hours of initial contact and an
32 interim report with an initial determination regarding the child's
33 safety and custody shall be completed as soon as possible but not
34 more than 24 hours after initial contact. The final report required
35 under this section shall be complete within 5 business days of ini-
36 tial contact. If a child is taken into immediate temporary custody,
37 the department shall make a written report stating the reasons for
38 such removal and shall file a care and protection petition under
39 section 24 on the next court day.

40 (d) If the department does not have reasonable cause to believe
41 that a child's health or safety is in immediate danger from abuse
42 or neglect, the investigation and evaluation shall commence
43 within 2 business days of initial contact and a determination shall
44 be made within 15 business days, unless a waiver has been
45 approved by the area director or requested by law enforcement.

46 (e) Notwithstanding subsection (c), whenever the department
47 has reasonable cause to believe that removal is necessary to pro-
48 tect a child from abuse or neglect, it shall take the child into
49 immediate temporary custody. If a child is taken into immediate
50 temporary custody, the department shall make a written report
51 stating the reasons for such removal and shall file a care and pro-
52 tection petition under section 24 on the next court day.

53 (f) If a child named in a report filed under section 51A is in an
54 out-of-home placement and the suspected child abuse or neglect is
55 substantiated, the department shall notify his parents that such
56 report was filed and has been substantiated by the department. If
57 the child died or suffered serious bodily injury, the department
58 shall notify the parents, including the biological parents, if the
59 department determines that such notification is in the best interest
60 of the child or of another child in the same placement. The
61 department shall consult with these parents in decisions about
62 removal or further placement. These notifications and consulta-
63 tions shall not be required if the commissioner determines that
64 such notifications or consultations are not appropriate or in the
65 best interests of a child.

66 (g) The department shall offer appropriate services to the
67 family of any child which it has reasonable cause to believe is suf-
68 fering from any of the conditions described in the report to pre-
69 vent further injury to the child, to safeguard his welfare, and to
70 preserve and stabilize family life whenever possible. If the family
71 declines or is unable to accept or to participate in the offered serv-
72 ices, the department or any person may file a care and protection
73 petition under section 24.

74 (h) The department shall file in the central registry, established
75 under section 51F, a written report containing information suffi-
76 cient to identify each child whose name is reported under this
77 section or section 51A. A notation shall be sent to the central reg-

78 istry whenever further reports on each such child are filed with the
79 department. If the department determines during the initial
80 screening period of an investigation that a report filed under
81 section 51A is frivolous, or other absolute determination that
82 abuse or neglect has not taken place, such report shall be declared
83 as “allegation invalid”. If a report is declared “allegation invalid”,
84 the name of the child, or identifying characteristics relating to the
85 child, or the names of his parents or guardian or any other person
86 relevant to the report, shall not be placed in the central registry or
87 in any other computerized program utilized in the department.

88 (i) The department may purchase and utilize such protective
89 services of private and voluntary agencies as it determines neces-
90 sary.

91 (j) The department shall adopt regulations to implement the
92 sections 51A to 51F, inclusive.

93 (k) The department shall notify and shall transmit copies of
94 substantiated 51A reports and its written evaluations and written
95 determinations under subsection (a) or (b) to the district attorney
96 for the county in which the child resides and for the county in
97 which the suspected abuse or neglect occurred, and to the local
98 law enforcement authorities in the city or town in which the child
99 resides and in the city or town in which the suspected abuse or
100 neglect occurred when the department has reasonable cause to
101 believe that 1 of the conditions listed below resulted from abuse
102 or neglect.

103 The department shall immediately report to the district attorney
104 and local law enforcement authorities listed above when early evi-
105 dence indicates there is reasonable cause to believe that 1 of the
106 conditions listed below resulted from abuse or neglect:

107 (1) a child has died or has suffered brain damage, loss or sub-
108 stantial impairment of a bodily function or organ, substantial dis-
109 figurement, or serious physical injury including, but not limited
110 to, a fracture of any bone, a severe burn, an impairment of any
111 organ or an injury requiring the child to be placed on life-support
112 systems;

113 (2) a child has been sexually assaulted, which shall include a
114 violation of section 13B, 13H, 22, 22A, 23, 24 or 24B of
115 chapter 265 or section 35A of chapter 272;

116 (3) a child has been sexually exploited, which shall include a
117 violation of section 4A, 4B or 29A of said chapter 272; or

118 (4) any other disclosure of physical abuse involving physical
119 evidence which may be destroyed, any current disclosure by a
120 child of sexual assault, or the presence of physical evidence of
121 sexual assault.

122 Within 45 days of the notification under the first paragraph, the
123 department shall further notify the district attorney of a service
124 plan, if any, developed for such child and his family.

125 No provision of chapter 66A, sections 135 to 135B, inclusive,
126 of chapter 112, or sections 51E and 51F of this chapter relating to
127 confidential data or confidential communications shall prohibit
128 the department from making such notifications or from providing
129 to the district attorney or local law enforcement authorities any
130 information obtained under this section. No person providing
131 notification or information to a district attorney or local law
132 enforcement authorities under this section shall be liable in any
133 civil or criminal action by reason of such action. Nothing herein
134 shall be construed to prevent the department from notifying a dis-
135 trict attorney relative to any incident reported to the department
136 under section 51A or to limit the prosecutorial power of a district
137 attorney.

138 (l) If the department substantiates a report alleging that abuse
139 or neglect occurred at a facility approved, owned, operated or
140 funded, in whole or in part, by the department of elementary and
141 secondary education, the department of early education and care,
142 the department of mental health, the department of mental retarda-
143 tion, the department of public health or the department of youth
144 services, the department shall notify the office of the child advo-
145 cate and the affected department, in writing, by transmitting a
146 copy of the report filed under section 51A and the department's
147 written evaluation and written determination.

148 If the department is aware of a licensing violation in any such
149 facility, the department shall immediately notify the affected
150 department.

151 No provision of chapter 66A, sections 135 to 135B, inclusive,
152 of chapter 112, or sections 51E and 51F, or any other provision of
153 law shall prohibit: (i) the department from transmitting copies of
154 reports filed under section 51A or its written evaluations and

155 written determinations to the office of the child advocate or the
156 affected departments; (ii) the department, the office of the child
157 advocate and the affected departments from coordinating activities
158 and sharing information for the purposes of this section or for
159 investigating a licensing violation; or (iii) the department's
160 employees from testifying at administrative hearings held by the
161 affected department in connection with a licensing violation.

162 (m) Notwithstanding any privilege created by statute or
163 common law relating to confidential communications or any
164 statute prohibiting the disclosure of information but subject to
165 subsection (j) of section 51A, a mandated reporter shall answer
166 questions and provide information posed by the department
167 relating to an investigation conducted under this section, whether
168 or not that person filed the 51A report being investigated. A
169 statutory or common law privilege shall not preclude the admis-
170 sion of any such information in any civil proceeding concerning
171 abuse or neglect of a child, placement or custody of a child.

172 (n) No person required to provide such information under this
173 section or permitted to disclose information under section 5A of
174 chapter 119A shall be liable in any civil or criminal action for pro-
175 viding such information.

176 (o) No employer shall discharge, discriminate or retaliate
177 against a mandated reporter who, in good faith, provides such
178 information, testifies or is about to testify in any proceeding
179 involving child abuse or neglect unless such person perpetrated or
180 inflicted such abuse or neglect. Any employer who discharges,
181 discriminates or retaliates against such a person shall be liable to
182 such person for treble damages, costs and attorney's fees.

183 (p) If the department determines that a 51A report is not sub-
184 stantiated, the department shall notify in writing any and all
185 sources or recipients of information in connection with the inves-
186 tigation that the report of abuse or neglect has not been substanti-
187 ated, unless the target of the investigation requests that such
188 notification not occur.

189 (q) The department and the private agencies under contract
190 with it, shall conduct periodic and regular training and education
191 to caseworkers, screeners of 51A reports, and administrators of

192 the department and the agencies regarding their duties and obliga-
193 tions under section 51A and 51B.

194 (r) There shall be a review by a regional clinical review team
195 when 3 or more 51A reports involving separate incidents have
196 been filed on any child in a family within 3 months and a review
197 by an area clinical review team when 3 or more 51A reports
198 involving separate incidents have been filed on any child in a
199 family within 1 year.

1 SECTION 99. Said chapter 119 is hereby further amended by
2 striking out section 51D, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 51D. Each area director of the department shall be
5 responsible for implementing subsection (k) of section 51B.

6 Each area director shall, in cooperation with the appropriate
7 district attorney, establish 1 or more multi-disciplinary service
8 teams to review the provision of services to the children and fami-
9 lies who are the subject of 51A reports that meet the conditions of
10 subsection (k).

11 Each team shall consist of the department's caseworker for the
12 particular case, 1 representative of the appropriate district
13 attorney, and at least 1 other member appointed by the area
14 director who is not an employee of either office. The additional
15 member shall have training and experience in the fields of child
16 welfare or criminal justice and, as far as practicable, be involved
17 with the provision of services to these families. No members of a
18 team shall receive any compensation, or in the case of a state
19 employee, any additional compensation, for service on the team.

20 The team shall review and monitor the service plan developed
21 by the department under subsection (g) of section 51B. The team
22 shall evaluate the effectiveness of the service plan in protecting
23 the child from further abuse or neglect. The team shall make rec-
24 ommendations regarding amendments to the service plan, the
25 advisability of prosecuting members of the family, and the possi-
26 bility of utilizing diversionary alternatives. If the team finds that
27 services required under such plan are not provided to the family,
28 the case shall be referred to the commissioner.

29 The team shall have full access to the service plan and any per-
30 sonal data known to the department which is directly related to the

31 implementation of the plan, notwithstanding sections 51E and
32 51F, chapter 66A, and section 135 of chapter 112. The members
33 of the team shall be considered to be employees of the department
34 for purposes of protecting the confidentiality of the data and the
35 data shall be utilized solely to carry out the provisions of this
36 section; provided, however, that the team may report to the district
37 attorney if the family has failed to participate in the plan.

38 Each area director shall file a monthly report with the commis-
39 sioner regarding the activities in the area which have occurred in
40 the previous month pursuant to this section. The report shall be
41 written on a form prescribed by the commissioner and shall
42 include, but not be limited to, the number of cases reported under
43 said subsection (k) of said section 51B, the activities of the teams,
44 the availability of services described in the service plans, and the
45 number of family members that are subject of the reports that
46 have been prosecuted. The commissioner, after deleting all per-
47 sonal identifying information, shall combine these area reports
48 into a monthly report that shall be filed with the secretary of
49 health and human services, each district attorney, the joint com-
50 mittee on children, families and persons with disabilities, and the
51 house and senate committees on ways and means.

1 SECTION 100. Said chapter 119 is hereby further amended by
2 striking out section 51E and 51F, as amended by chapter 3 of the
3 acts of 2008, and inserting in place there of the following 2 sec-
4 tions:—

5 Section 51E. The department shall maintain a file of the
6 written reports prepared under this section and sections 51A to
7 51D, inclusive. These written reports shall be confidential. Upon
8 request and with the approval of the commissioner, copies of
9 written reports of initial investigations may be provided to: (i) the
10 child's parent, guardian, or counsel, (ii) the reporting person or
11 agency, (iii) the appropriate review board, (iv) a child welfare
12 agency of another state for the purpose of assisting that agency in
13 determining whether to approve a prospective foster or adoptive
14 parent, or (v) a social worker assigned to the case. No such report
15 shall be made available to any persons other than those specified
16 in this section without the written and informed consent of the
17 child's parent or guardian, the written approval of the commis-

18 sioner, or an order of a court of competent jurisdiction. Pursuant
19 to chapter 18C, the child advocate shall have access to these
20 reports.

21 A child welfare agency of another state may, upon request, and
22 upon the approval of the commissioner, receive a copy of the
23 written report of the initial investigation if the agency has a need
24 for such information in order to carry out its responsibilities under
25 law to protect children from abuse and neglect.

26 The name and all other identifying information relating to any
27 child, or to his parents or guardian, shall be removed from said
28 reports 1 year after the department determines that the allegation
29 of serious physical or emotional injury resulting from abuse or
30 neglect cannot be substantiated, or, if said allegations are substan-
31 tiated, when the child reaches the age of 18, or 1 year after the
32 date of termination of services to the child or his family,
33 whichever date occurs last; provided, however, that the depart-
34 ment may retain information on unsubstantiated reports to assist
35 in future risk and safety assessments of children and families and
36 may release said information to the child welfare agencies of other
37 states upon request of said child welfare agency for the purpose of
38 assisting said child welfare agency in determining whether to
39 approve a prospective foster or adoptive parent.

40 Any person who permits any information in the files to be
41 released to persons other than those specified in this section shall
42 be punished by a fine of not more than \$1,000 or by imprisonment
43 for not more than 2½ years, or both.

44 Section 51F. The department shall maintain a central registry
45 of information sufficient to identify children whose names are
46 reported under sections 51A to 51B. Data and information relating
47 to individual cases in the central registry shall be confidential and
48 shall be made available only with the approval of the commis-
49 sioner or upon court order; provided, however, that the depart-
50 ment, upon request, may release this data and information to a
51 child welfare agency of another state for the purpose of assisting
52 that agency in determining whether to approve a prospective
53 foster or adoptive parent. The commissioner shall establish rules
54 and regulations governing the availability of such data and infor-
55 mation. Pursuant to chapter 18C, the child advocate shall have
56 access to the information in the registry.

57 A child welfare agency of another state may, upon request, and
58 upon the approval of the commissioner, receive information from
59 the central registry if the agency has a need for such information
60 in order to carry out its responsibilities under law to protect chil-
61 dren from abuse and neglect.

62 The name and all other identifying characteristics relating to
63 any child which is contained in the central registry, or to his par-
64 ents or guardian, shall be removed 1 year after the department
65 determines, after investigation, that the allegation of serious phys-
66 ical or emotional injury resulting from abuse or neglect cannot be
67 substantiated or, if said allegations are substantiated, when the
68 child reaches the age of 18, or 1 year after the date of termination
69 of services to the child or his family, whichever date occurs last. If
70 the department determines during the initial screening period of
71 an investigation that said report under section 51A is frivolous, or
72 other absolute determination that abuse or neglect has not taken
73 place, then said report shall be declared as “allegation invalid”. If
74 such reports are declared “allegation invalid”, the name of the
75 child, or identifying characteristics relating to the child, or the
76 names of his parents or guardian or any other person relevant to
77 the report, shall not be placed in the central registry, nor under any
78 other computerized program utilized in the department. Nothing
79 in this section shall prevent the department from keeping informa-
80 tion on unsubstantiated reports to assist in future risk and safety
81 assessments of children and families.

82 Any person employed in the central registry who permits the
83 data and information stored in the registry to be released without
84 authorization to persons other than those specified in the rules and
85 regulations shall be punished by a fine of not more than \$1,000 or
86 by imprisonment for not more than 2½ years, or both.

1 SECTION 101. Said chapter 119 is hereby further amended by
2 inserting after section 51G the following section:—

3 Section 51H. Notwithstanding any general or special law to the
4 contrary, the department may send to, or receive from, any other
5 state or country a protective alert containing any information
6 about a child related to a substantiated report of child abuse or
7 neglect if the department reasonably believes that the child has
8 been or will be transported to another state or country.

1 SECTION 102. Said chapter 119 is hereby further amended by
2 inserting after section 63 the following section:—

3 Section 63A. Whoever is 19 years of age or older and:
4 (i) knowingly and willfully aids or abets a child under the age of
5 17, or under the age of 18 and in state custody, to violate an order
6 of a juvenile court; or (ii) knowingly and willfully conceals or
7 harbors a child who has taken flight from the custody of the court,
8 a parent, a legal guardian, the department of children and families
9 or the department of youth services shall be punished by a fine of
10 not more than \$500 or by imprisonment in the house of correction
11 for not more than 1 year, or by both such fine and imprisonment.

12 It shall be a defense to a violation of clause (ii) if the defendant
13 concealed or harbored a child in the reasonable good faith belief
14 that the child would be at risk of physical or sexual abuse if the
15 child returned to his custodial residence, unless the defendant con-
16 cealed or harbored such child with intent to abuse the child or if
17 the defendant committed abuse on that child.

18 The court may release on probation under section 87 of
19 chapter 276, subject to such orders as it may make as to future
20 conduct tending to cause, induce or contribute to a person's status
21 as a child in need of services or delinquency, or it may suspend
22 sentence under section 1 of chapter 279, or before trial, with the
23 defendant's consent, it may allow the defendant to enter into a
24 recognizance, in such penal sum as the court may fix, conditioned
25 to comply with such terms as the court may order for the promo-
26 tion of the future welfare of the child, and the case may then be
27 placed on file. The provisions for recognizance in section 56 of
28 chapter 276 shall be applicable to cases arising hereunder.

29 The divisions of the juvenile court department shall, within
30 their respective territorial limits, have exclusive jurisdiction over
31 complaints alleging a violation of this section.

1 SECTION 103. Section 2 of chapter 119A of the General
2 Laws, as appearing in the 2006 Official Edition, is hereby
3 amended by striking out, in line 21 and in lines 35 and 36, the
4 words "social services" and inserting in place thereof, in each
5 instance, the following words:— children and families.

1 SECTION 104. Section 3 of said chapter 119A, as so
2 appearing, is hereby amended by striking out, in line 2, the words
3 “social services” and inserting in place thereof the following
4 words:— children and families.

1 SECTION 105. Section 5 of said chapter 119A, as so
2 appearing, is hereby amended by striking out, in line 23, the
3 words “social services” and inserting in place thereof, in each
4 instance the following words:— children and families.

1 SECTION 106. Section 5A of said chapter 119A, as so
2 appearing, is hereby amended by striking out, in lines 26, 27 and
3 84, the words “social services” and inserting in place thereof, in
4 each instance, the following words:— children and families.

1 SECTION 107. Section 2 of chapter 201 of the General Laws,
2 as so appearing, is hereby amended by striking out, in line 31, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 108. Section 6B of said chapter 201, as so
2 appearing, is hereby amended by adding the following 2 sen-
3 tences:— The court shall not appoint as guardian any person peti-
4 tioning for guardianship who: (i) is currently being investigated or
5 has charges pending for committing an assault and battery that
6 resulted in serious bodily injury to the incapacitated or ill person;
7 or (ii) is currently being investigated or has charges pending for
8 neglect of the incapacitated or ill person. The court shall termi-
9 nate a guardianship appointed under this section if, upon petition,
10 it is established that the guardian is: (i) currently being investi-
11 gated or has charges pending for committing an assault and bat-
12 tery that resulted in serious bodily injury to the incapacitated or ill
13 person; or (ii) is currently being investigated or has charges
14 pending for neglect of the incapacitated or ill person.

1 SECTION 109. Section 32F of chapter 209 of the General
2 Laws, as so appearing, is hereby amended by striking out, in
3 lines 17, 28 and 29 and 42, the words “social services” and
4 inserting in place thereof, in each instance, the following
5 words:— children and families.

1 SECTION 110. Section 5 of chapter 209C of the General
2 Laws, as so appearing, is hereby amended by striking out, in lines
3 9, 13 and 14 and in line 54, the words “social services” and
4 inserting in place thereof, in each instance, the following
5 words:— children and families.

1 SECTION 111. Section 8 of said chapter 209C, as so
2 appearing, is hereby amended by striking out, in line 17, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 112. Section 9 of said chapter 209C, as so
2 appearing, is hereby amended by striking out, in line 67, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 113. Section 11 of said chapter 209C, as so
2 appearing, is hereby amended by striking out, in line 36, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 114. Section 13 of said chapter 209C, as so
2 appearing, is hereby amended by striking out, in lines 9, 13 and 15
3 the words “social services” and inserting in place thereof, in each
4 instance, the following words:— children and families.

1 SECTION 115. Section 16 of said chapter 209C, as so
2 appearing, is hereby amended by striking out, in line 44, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 116. Section 1 of chapter 210 of the General Laws,
2 as so appearing, is hereby amended by inserting after the word
3 “separation”, in line 13, the following words:— , prolonged separa-
4 tion.

1 SECTION 117. Section 2 of said chapter 210, as so appearing,
2 is hereby amended by striking out, in lines 16 and 17, the words
3 “social services” and inserting in place thereof the following
4 words:— children and families.

1 SECTION 118. Section 2A of said chapter 210, as so
2 appearing, is hereby amended by striking out, in lines 5 and 14,
3 the words “social services” and inserting in place thereof, in each
4 instance, the following words:— children and families.

1 SECTION 119. Section 3 of said chapter 210, as so appearing,
2 is hereby amended by striking out, in lines 7 and 55, the words
3 “social services” and inserting in place thereof, in each instance,
4 the following words:— children and families.

1 SECTION 120. Section 4 of said chapter 210, as so appearing,
2 is hereby amended by striking out, in line 13, the words “social
3 services” and inserting in place thereof the following words:—
4 children and families.

1 SECTION 121. Section 4A of said chapter 210, as so
2 appearing, is hereby amended by striking out, in line 11, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 122. Section 5A of said chapter 210, as so
2 appearing, is hereby amended by striking out, in lines 2 and 3, 39
3 and 40 and in line 52, the words “social services” and inserting in
4 place thereof, in each instance, the following words:— children
5 and families.

1 SECTION 123. Section 5E of said chapter 210, as so
2 appearing, is hereby amended by striking out, in line 1, the words
3 “social services” and inserting in place thereof the following
4 words:— children and families.

1 SECTION 124. Section 6 of said chapter 210, as so appearing,
2 is hereby amended by striking out, in line 21, the words “social

3 services” and inserting in place thereof the following words:—
4 children and families.

1 SECTION 125. Section 6C of said chapter 210, as so
2 appearing, is hereby amended by striking out, in lines 35 and 36,
3 the words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 126. Section 11A of said chapter 210, as so
2 appearing, is hereby amended by striking out, in line 2, the words
3 “social services” and inserting in place thereof the following
4 words:— children and families.

1 SECTION 127. Section 5 of chapter 258C of the General
2 Laws, as so appearing, is hereby amended by striking out, in
3 lines 13 and 14, the words “departments of social services and
4 public welfare” and inserting in place thereof the following
5 words:— department of children and families and the department
6 of transitional assistance.

1 SECTION 128. Section 3 of chapter 273 of the General Laws,
2 as so appearing, is hereby amended by striking out, in line 5, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 129. Section 18A of said chapter 273, as so
2 appearing, is hereby amended by striking out, in line 26, the
3 words “social services” and inserting in place thereof the
4 following words:— children and families.

1 SECTION 130. The initial appointments for members of the
2 commission on the status of grandparents raising grandchildren
3 established by section 69 of chapter 3 of the General Laws shall
4 be made on or before March 1, 2009.

1 SECTION 131. The policies and procedures relative to minors
2 whose parents or guardians are arrested or placed in custody by
3 police officers required by clause (9) of section 18¾ of chapter 6A

4 of the General Laws shall developed on or before December 31,
5 2008.

1 SECTION 132. Notwithstanding section 3 of chapter 18C of
2 the General Laws, the child advocate appointed under Executive
3 Order No. 494 shall continue to serve in that capacity at the plea-
4 sure of the governor.

1 SECTION 133. Notwithstanding section 10 of chapter 18C of
2 the General Laws, the first annual report filed by the child advo-
3 cate under said section 10 of said chapter 18C shall be filed on or
4 before June 30, 2009.

1 SECTION 134. Notwithstanding subsection (c) of section 11
2 of chapter 18C of the General Laws, the first comprehensive plan
3 filed by the child advocate under said section 11 of said
4 chapter 18C shall be filed on or before June 30, 2010.

1 SECTION 135. (a) Notwithstanding section 51B of
2 chapter 119 of the General Laws or any other general or special
3 law to the contrary and consistent with any relevant collective
4 bargaining agreement, the department of children and families
5 may establish a pilot program of family engagement in child wel-
6 fare practice. The department shall select 4 to 8 area offices in
7 which to implement the pilot program. Each office shall then be
8 divided into a control group and a differential response group,
9 with each group using social worker teams based on caseload
10 standards recommended by the Child Welfare League of America,
11 Inc.

12 (b) The differential response group shall use a local unified
13 entry point for (i) requests for voluntary services filed under
14 section 23 of chapter 119 of the General Laws, (ii) court referrals,
15 including those for children in need of services filed under
16 section 39E of said chapter 119, and (iii) reports of suspected
17 child abuse or neglect filed under section 51A of said chapter 119.

18 Upon entry of any such request, referral or report, the depart-
19 ment shall have a period of initial engagement during which the

20 request, referral or report shall be evaluated and a differential
21 response, if any, shall be determined; but if the department has
22 reasonable cause to believe the child's health or safety is in imme-
23 diate danger from abuse or neglect, the department shall also view
24 the child, conduct a safety assessment, and take any steps neces-
25 sary to ensure the safety of the child. A rapid initial engagement
26 for the latter circumstances shall commence within 2 hours and
27 shall be completed within 36 hours; all other initial engagements
28 shall be completed within 3 business days. The department shall
29 determine whether the request, referral or report is appropriate for
30 response and, if so, which differential response is appropriate: a
31 protective response, a support and stabilization response or a com-
32 munity resource response.

33 A protective response shall be required if the department deter-
34 mines that the child has been or is at risk of serious harm. The
35 protective response shall be conducted pursuant to said
36 section 51B, except that the investigation shall be completed
37 within 15 business days of the differential response determination
38 unless a waiver has been approved by the area director or
39 requested by law enforcement.

40 A support and stabilization response shall require department
41 contact with the child's family within 2 business days of the dif-
42 ferential response determination and an initial assessment of the
43 family within 30 business days of the determination. Such a
44 response shall include at least 3 department visits with the child's
45 family and may include the immediate provision of services.

46 A community resource response shall consist of providing
47 information about and referral to community-based services.
48 Such a response shall not include an investigation or a family
49 assessment by the department.

50 After the completion of a protective response or a support and
51 stabilization response and based on a family assessment, the
52 department may determine that sustained engagement with the
53 child's family is necessary. During sustained engagement, family
54 assessments shall be conducted every 6 months until the depart-
55 ment terminates its sustained engagement.

56 The differential response group shall use (i) evidence-based
57 safety and risk assessment tools, (ii) family assessments,
58 (iii) resource and service planning activities, and (iv) culturally
59 competent staffing, resources and practices.

60 (c) The pilot program shall include an independent evaluation,
61 including the impact on children and families, the effect on racial
62 disproportionality and disparity, the associated costs, any recom-
63 mendations for statewide implementation, and shall survey chil-
64 dren, families, and staff involved with the pilot program.

65 (d) The department shall report the results of the evaluation
66 and legislative recommendations, if appropriate, no later than
67 1 year after pilot program is established. The report shall be filed
68 with the clerks of the house and the senate, the house and senate
69 committees on ways and means, the committee on children, fami-
70 lies and persons with disabilities, the speaker of the house, the
71 president of the senate and the governor.

1 SECTION 136. The name of the department of social services
2 is hereby changed to the department of children and families.

1 SECTION 137. Section 22 shall take effect on July 1, 2008.

1 SECTION 138. Section 97 shall take effect on January 1, 2010.

1 SECTION 139. Section 96 shall take effect on July 1, 2010.